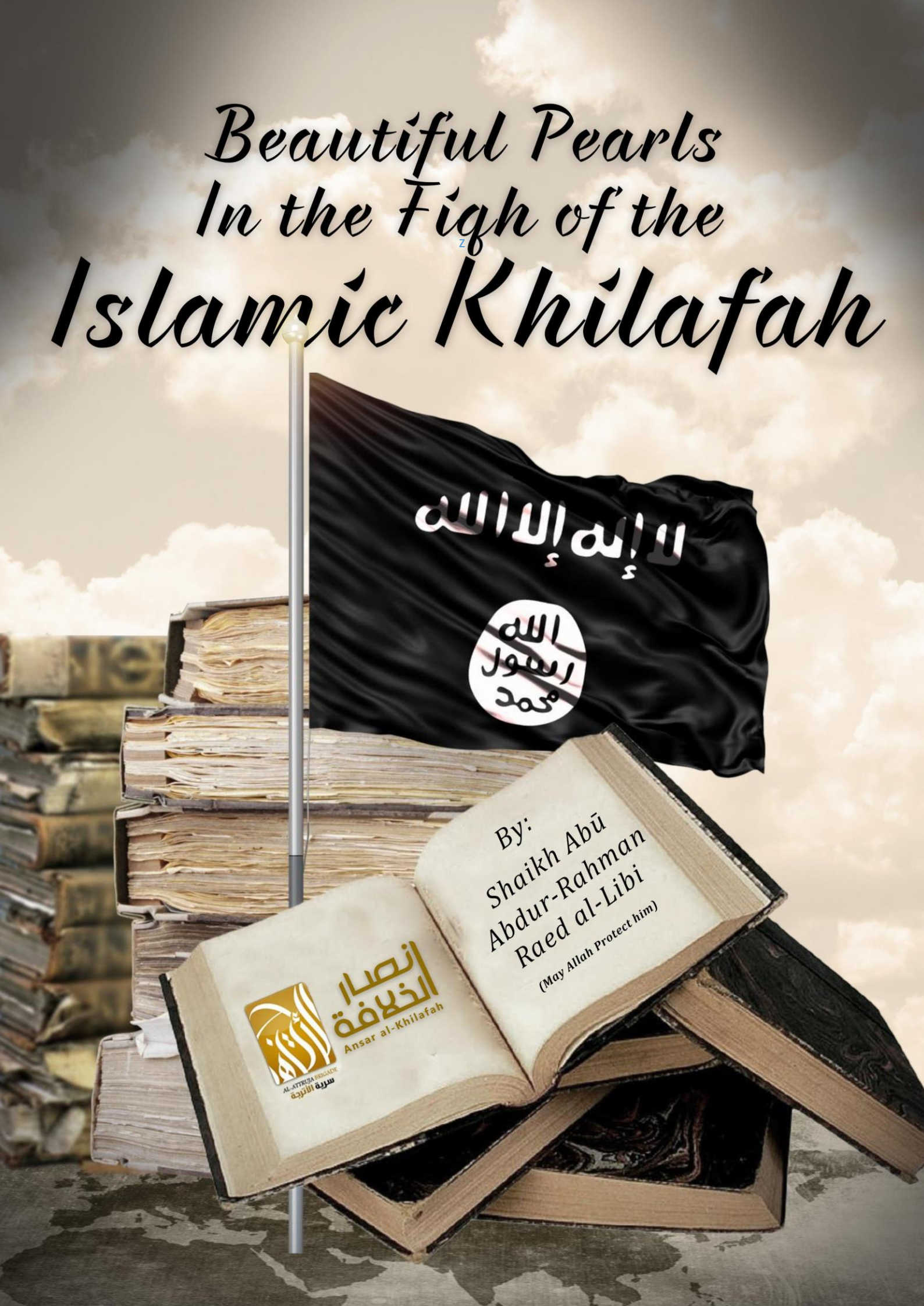
Beautiful Pearls In the Fiqh of the Islamic Khilafah



Beautiful Pearls

In the Fiqh of the Islamic Khilafah

By the esteemed Scholar:

Abu AbdurRahman Raed al-Libi – Hafidhahullah

Translated by:

Ansar Al Khilafah Media

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Translator's Note

All praise is to Allah, who sent down the Qur'an upon His slave as a guidance for the God-fearing. May the blessings of Allah and peace be upon His messenger who was sent as a mercy for the worlds with the guiding Book and the aiding sword - who stated: **"I was sent close to the Hour with the Sword"**

As for what follows:

This book by ash-Shaykh Abu Abdur Rahman Raed al-Libi is one of the best works written on the subject of the Khilafah in Islam. It has been compiled when it was direly needed, especially since the Ummah is currently going through one of the most critical phases it has faced in recent history. It is also a welcome sight when those who declare themselves 'Scholars' and 'Students of Knowledge' spread misguidance and ignorance amongst the people regarding this fundamental aspect of Islam. These 'custodians' of the 'true' image of Islam distort the religion of Allah – as is conveyed in the teachings of Allah's Messenger, upon which the struggles of the Sahabah were based on, whose knowledge was imparted to us by the Salaf painstakingly – into Pacifism and 'Irja.

To complicate matters, the resulting confusion and fear sown in the minds of the Muslims using their status, influence and claims of being the 'inheritors of the Prophet', has led the people to a comatose state unable to discern the simple reality that it is indeed Allah who administers the whole world. To them, everything that is happening in the world is by design of the disbelievers – leading them to determine that the truthful Mujahideen in the world are merely proxies created by the disbelievers to further their own imperialistic agendas. However, the reality is clear as daylight to anyone who seeks the truth. For if we were to believe in the Prophet – blessings of Allah and peace be upon him – it becomes binding upon us to believe that there will always be a group of his Ummah engaged in Jihad till the Hour is established, as is narrated by the majority of the Muhaditheen authentically. And when we couple it with the knowledge that true Jihad is one which seeks to raise the Word of Allah highest, as is in authentic ahadith, we would be able to discover the truth of the matter. Indeed, those who follow the history of this Ummah closely would find this pattern embedded into the core of the Ummah. Jihad has never ceased since the Hijra of the Prophet – blessings of Allah and peace be upon him. And this is by Allah, a sign of the Prophethood of Muhammad – blessings of Allah and peace be upon him. And by understanding this Prophetic criterion, it is easy to identify the bearers of the truth!

Based on this, and following the blessed trail of Jihad in the path of Allah – it is clear that the Islamic State formed in Iraq was one of the latest groups to join (in the year 2006) the caravan of the Mujahideen in raising the word of Allah above all else. As such, Allah has honoured it by enabling it to fulfil the long forgotten obligation of establishing the Khilafah – may Allah honour it, strengthen it and bless it with further victories and consolidation! The 'Dawlathul Islamiyyah' (Islamic State) of Islam was re-established! It is clear that this momentous announcement would not be met with universal acceptance. However, the real shock is from the majority of those who attribute themselves to Islam who stipulate the establishment of a Khilafah without any labour on their part. They also preach non-violence like that of false role-models from the disbelievers, and they do not expect anything short of a consensus from all the people in the world when establishing a Khilafah - including all the various groups of disbelievers! Whereas, their 'famous' RAND scholars expect nothing short of a utopia to form – almost in the fashion of a fantasy movie with all its glamorous visual and sound effects depicting the arrival of their 'true Khilafah'. This is while they discard the teachings of Allah and His Messenger for an idealism not synonymous with its teachings.

This unthinkable situation is nothing but the result of ignorance on the part of these claimants of Islam and the distortion of the religion by the hands of its enemies – who are in fact wolves in the clothing

of sheep – who devour the Ummah from within while the disbelievers have its mind shackled with apologetic interpretations and 'alternative narrations' that doesn't merit mere mention in the realm of knowledge.

As such, this book by the esteemed scholar ash-Shaykh Raed al-Libi, acts as an excellent remedy for the maladies surrounding this important topic. This book includes some features that make it stand out from all other material on the subject. These are some of it:

- It is short and concise – making it an easy read with the permission of Allah.
- It is Comprehensive – it covers the most important aspects about the Khilafah in Islam.
- It extensively quotes the Salaf – The author has made a remarkable job by making his own statements in the book limited to a very tiny fraction. It would not be an exaggeration to state that the whole book is a collection of teachings, views and statements of the Salaf regarding the topic. This is an excellent approach to establish the truth in addition to it being a great refutation upon those who have hijacked the pure teachings of Islam.
- It is based on a comparative study of different views – The author compares different views, all the while referring back to the teachings of the Salaf. His favoured views are profoundly the same as the favoured views of our most prominent scholars from the Salaf.
- It is a work compiled from more than 30 different scholarly works, making it one of the most comprehensive studies on the topic.

For these reasons, it was essential to translate this beautiful work to English for the benefit of the English speaking Muslim community – hoping to clear the misconceptions surrounding the topic and to enable them to see what their predecessors preached regarding this religious obligation.

As such, we stood to translate the book. And here we jot down a few remarks that must be mentioned regarding the translation:

- The author's original work is in Arabic and it is titled as: **(الدرر البهية في فقه الخلافة الاسلامية)** which we have translated as **'Beautiful Pearls in the Fiqh of the Islamic Khilafah'.** The original Arabic text is available online (as a PDF document) with the above name.
- The original work didn't provide any reference to the citations in it. This may be due to lack of time on the part of the author, as the work was originally written as separate studies which were later compiled as one.
- All quotes mentioned in the original work were painstakingly verified from their sources. We have added footnotes for each quote stating its source so that any reader can go through them if needed, and All Praise is to Allah for making it easy.
- There were minor mistakes in the original text, and minute differences in the quotes from their references. All of these differences are mentioned in the footnotes we have added. These, and their reasons can be summarized as:
    - Typing mistakes – where some words or letters were missed, but the meaning is clear from the context.
    - Slight differences in quotes – the reasons for that maybe numerous. From them:
        - Differences which occur in different publications.
        - Differences in the handwritten manuscripts that lead to slight variation. This in no way changes the general meaning of the text.
    - Slight differences in quotes – changed by the author for continuity and flow.
    - Paraphrased by the author in his own words or summarized to make it short or to make the text clearer and easier to understand.

- Wherever the square brackets [ ] appear in the translated text, its purpose would be explained in the footnotes. When there is no explanation available in the footnote, they should be considered as Translator additions, added for clarity.
- **Since this is in reality a book comprising a chapter of Fiqh (Jurisprudence), some technical terms occur which have been translated to English literally. However, we have added a glossary that would include the intended meaning.**
- We have added a list of references and small details about the authors of the books for the benefit of the readers.
- **All text except in the footnotes, and those in [ ] brackets are translations of the original work. The footnotes are our notes for clarity as mentioned before.**

This sums up what the reader may require paying attention to when reading the book. May Allah accept this effort from us.

We ask Allah to make it beneficial to the Ummah, especially to the truth seekers among them, and those confused by the rhetoric of the false scholars. We pray that Allah rewards the author handsomely for this gift to the Ummah of Muhammad. And we ask Allah to give victory or martyrdom to those who toil for the sake of Allah in His path, who reinstated the honour of the Muslims with their Jihad which led to this great blessing of the revival of the Khilafah. We ask Allah to make its light spread and to complete upon us His blessings.

We would like to thank all those who had assisted in the translation of this treatise – The seekers of knowledge who are acting upon the verse of Allah "**You must make it clear to the people and not conceal it"**. Indeed there were tireless efforts on some of their parts, which they patiently offered as well as time and energy in the completion of this project. Again, we ask Allah to reward them and protect them for their effort and sincerity for the sake of Allah, the most high. O Allah honour them with shahadah in the ranks of your blessed Khilafah. Indeed, all praise is to Allah for enabling us to complete this great obligation.

We conclude, by declaring our pledge of allegiance to the Khalifah Abu Bakr al-Baghdadi al-Huseyni al-Qureyshi – may Allah preserve him – and we call upon Muslims around the world to do so, and to make Hijra to the Dar of Islam:

We give bay'ah to Amirul-Mu'minin, the Khalifah of the Muslims, Abu Bakr al-Baghdadi, pledging to listen and obey, in times of delight and dislike, and in times hardship and ease, and to do so selflessly, and to not dispute the matter of those in authority except if we see blatant kufr concerning which we have poof from Allah. And Allah is a witness upon what we say.

And all praise belongs to Allah, and may the blessings of Allah and peace be upon the Prophet, his family and his companions.

Ansar Al Khilafah Media
Jumada al-Akhirah 15, 1437H
Corresponds to: Friday, 25th March, 2016 CE

Glossary

Tawheed:

Tawheed is affirming the oneness [also called unity] of Allah in His Rububiyyah (Lordship), Uluhihyya (Divinity), and in His asmaa wa as-Sifaat (Names and Characteristics) – alone with no partners.

Wajib:

Translated to 'Obligatory', something that is 'Wajib' is translated as an 'Obligation'. Also translated as 'Incumbent'.

Fard:

Translated to 'Obligatory', something that is 'Fard' is translated as an 'Obligation'

The above two terms, in Fiqh (Jurisprudence) mean:

-Something that is incumbent upon a person to do, **if done you are rewarded, and if you do not do it, you are blameworthy and sinful**. (There is a difference of opinion between the scholars about the synonymous nature of these two terms – however, the majority of the scholars view them to be of one meaning) So wherever the word 'obligation' or 'obligatory' occurs in the translation it refers to this meaning.

Ijma':

Briefly - Ijma' is a consensus upon a matter. This is whether it is from the Mujtahideen of the Ummah, or be it from all the Scholars of the Ummah, or be it from the Whole Ummah – as per the different views on it. It is more correct in our view that consensus or Ijma' is what the Sahabah agreed upon regarding a matter. We view this for many different reasons, all of which have already been debated by the Scholars of Usool for centuries. Allah knows best.

al-Khilafah:

al-Khilafah is defined as: Succession of the Messenger (blessings of Allah and peace be upon him) in establishing the religion and protecting the authority of the Millah (tradition), whose following is an obligation upon the whole Ummah – as defined by Abdur Rahman al-Eejee (Died in 756H). Its definition would occur later on in sha Allah. The successor is called the Khalifah.

al-Imamah:

This word is synonymous to al-Khilafah. If the word al-Imam occur, or the term 'the Imam' occur, it is actually referring to the Khalifah.

ahl al-Hal wa al-Aqd:

Literally the Ahl al-Hal wa al-Aqd translates to the "people of dissolution and contract". They are called by this name because they are those, whose Bay'ah to a person appointing him as the Imam or Khalifah counts and is considered for its Shar'ee legitimacy, and because they are also the people who can force an existing Khalifah to step-down for any Shar'ee reasons.

This term is left as it is, without a translation because its intended meaning would be later explained by the author in detail. However, it can be loosely translated as 'decision makers'.

al-Bay'ah:

al-Bay'ah is translated loosely as the 'pledge of allegiance'. It would sometimes be left as is, without translation. The Author would give a detailed explanation of the term. However, giving the Bay'ah to the Khalifah should be understood as, pledging allegiance, or pledging himself to the Imam and sticking to listening and obeying him for the sake of Allah.

al-Hukm:

This is translated as Verdict or Ruling. What is intended is the resulting ruling of a specific issue in Fiqh.

al-Jama'ah:

This term would be translated as gathering' as the context requires. at-Tabari mentions that the Jama'ah is a group of Muslims when they gather upon a leader.

The term also refers to, "those who are upon what the Sahabah were upon" whether they are few in number, even if it is one person or more. The defining characteristic of this group is that they are people who base their beliefs and actions upon narrations from the Prophet – blessings of Allah and peace be upon him, as was understood by the Sahabah

Sahabah:

The companions of the Prophet – blessings of Allah and peace be upon him.

Shura:

Translated as counsel. Or Seeking Counsel depending on the context. Shura is restricted to the ahl al-Hal wa al-Aqd of the Ummah in matters pertaining to appointment of the Khalifah and it doesn't include all of the Muslims, nor does it include Scholars except if the scholars are people who fulfil the conditions of ahl al-Hal wa al-Aqd as understood by the Salaf which is mentioned in detail in this book. Shura or seeking Counsel is something that is legislated by Allah in all matters. But it is restricted to those who are befitting for it and those who fulfil the conditions of being eligible for it as per Shari'ah. And Allah knows best

Shar'ee:

A matter that is legitimate according to Shari'ah. Or a matter that is legislated by Allah.

Ta'weel:

An interpretation made from religious texts – which may be valid or invalid. Its validity doesn't necessitate its correctness as per Shari'ah.

Tafsir:

Refers to the interpretation of the Qur'an. Can be understood as an 'explanation' of the Aayahs.

[Author's Preamble]

بسم الله الرحمن الرحيم

In the Name of Allah, the Most Merciful, the Most Compassionate

Indeed, all Praise belongs to Allah. We praise him, seek his aid and we seek refuge in him from the evil in ourselves and from the evil from our deeds. Whom Allah guides, there is none who can misguide him. And whom Allah misguided, there is none who can guide him. And I bear witness that there is no god worthy of worship besides Allah - alone with no partners. And I bear witness that Muhammad is His slave and His messenger.

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ ٱتَّقُواْ ٱللَّهَ حَقَّ تُقَاتِهِۦ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُم مُّسۡلِمُونَ ١٠٢ ﴾[1]

O you who believed! Fear Allah as you should rightfully fear Him, and do not die except while you are Muslims.

﴿ يَٰٓأَيُّهَا ٱلنَّاسُ ٱتَّقُواْ رَبَّكُمُ ٱلَّذِي خَلَقَكُم مِّن نَّفۡسٖ وَٰحِدَةٖ وَخَلَقَ مِنۡهَا زَوۡجَهَا وَبَثَّ مِنۡهُمَا رِجَالٗا كَثِيرٗا وَنِسَآءٗۚ وَٱتَّقُواْ ٱللَّهَ ٱلَّذِي تَسَآءَلُونَ بِهِۦ وَٱلۡأَرۡحَامَۚ إِنَّ ٱللَّهَ كَانَ عَلَيۡكُمۡ رَقِيبٗا ١ ﴾[2]

O mankind, fear your Rabb (Lord), who created you all from one soul and created from it, its mate and dispersed from them both many men and women. And fear Allah by whom you ask one another, and the wombs. Indeed, Allah is ever, over you all, an observer.

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ ٱتَّقُواْ ٱللَّهَ وَقُولُواْ قَوۡلٗا سَدِيدٗا ٧٠ يُصۡلِحۡ لَكُمۡ أَعۡمَٰلَكُمۡ وَيَغۡفِرۡ لَكُمۡ ذُنُوبَكُمۡۗ وَمَن يُطِعِ ٱللَّهَ وَرَسُولَهُۥ فَقَدۡ فَازَ فَوۡزًا عَظِيمًا ٧١ ﴾[3]

O you who have believed! Fear Allah, and say a befitting saying. (Then) He will make your deeds righteous for you, and He will forgive you your sins. And whoever obeys Allah and His Messenger, then he has already won a great triumph.

As for what follows:

Indeed, writing when there is no need is a waste of time and effort, and writing with a need with no sincerity is a waste of religion, and writing for a need with sincerity but with no justice is being biased in disagreements and arguments. So I ask Allah to endow upon me sincerity and justness.

[1] aal-Imran 3:102

[2] an-Nisa 4:1

[3] al-Ahzab 33:70-71

The talk and argument regarding the matter of "al-Khilafah[4] al-Islamiyyah" has increased, and that is because of its collapse for centuries[5], and because it didn't occur to the minds of some that the Khilafah would return shortly; which is due to the intense exaggeration of the power of the Global Kufr. However, the Islamic Khilafah was announced on Sunday, the first of Ramadan 1435H; and so the people became divided as those who affirmed its validity or denied it, and as opponents and supporters. And since the name "al-Khilafah" is from the terms of Shari'ah just like at-Taharah, as-Salah, as-Siyam, al-Kufr, al-Iman, al-Fisq, al-Islam[6] and those that are neither affirmed nor denied except with a Shari' evidence; it has become incumbent upon the one who see its validity to affirm that with evidence and likewise those who deny it – since this is a dispute that has occurred. And in disputes the way is to refer back to the Qur'an and Sunnah.

al-Hafidh Ibn Kathir said regarding the saying of the Most High:

﴿وَمَا ٱخۡتَلَفۡتُمۡ فِيهِ مِن شَيۡءٖ فَحُكۡمُهُۥٓ إِلَى ٱللَّهِ﴾[7]

And in whatever that you differ in, then its judgment belongs to Allah

(ibn Kathir said) "That means: whatsoever you differ in from the matters, this is inclusive of all things generally. {Then its ruling belongs to Allah – فحكمه إلى الله} That means: He is the one to judge on it by His book and the Sunnah of His Prophet (blessings of Allah and peace be upon him), like the saying of the Most High: {And if you disagree in anything, then refer it to Allah and the Messenger}" [End Quote]

So the people plunged in via this path. However, the most dangerous matter is that some people have talked with no knowledge, so they went astray and misguided others.

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[4] See glossary for the definition of al-Khilafah

[5] It is worth noting that the author does not consider the Ottoman Empire as a Khilāfah when he says "…and that is because of its(i.e. khilafah) collapse for centuries…" while the ottoman empire fell in 1924. And this is also the official stance of The Islamic State as they mentioned in a footnote in Dabiq Magazine "Some of the people, due to their ignorance, refer to this state as the "Ottoman Khilāfah" even though it was ruling by manmade laws and spreading the mushrik Sūfī tarīqas, as was most apparent in its final stages when it was defending tombs and waging war against the da'wah that was renewed by Imām Muhammad Ibn 'Abdil-Wahhāb (rh) In addition to this, it did not fulfill the condition of having a Qurashī ruler." [Dabiq Magazine issue 10 page 59] For more details on the topic read **"The 'Uthmaani State And The Standpoint Of The Da'wah Of Shaykh Muhammad Ibn 'Abd Al-Wahhaab Concerning It" by Shaykh Nāsir ibn Hamad al-Fahd Translated by At-Tibyān Publications**

[6] The author is emphasizing that the word Khilafah has a literal meaning and a specific Shar'ee meaning (also called Istilaah) which is what is of interest just like in the terms he has presented. These terms - all of its specific meanings are affirmed or negated and their conditions, rulings and methodology derived from Shar'ee evidence and depends on that solely. The author mentions that likewise all rulings of Khilafah is dependent on Shar'ee evidence.

[7] ash-Shura 42:10

['Abdullah] Ibn Mas'ud (may Allah be pleased with him) said:

> *"One who knows, let him say it. And one who doesn't know, let him say: Allah knows best. For indeed it is part of knowledge to say to what he doesn't know: I don't know."* [8]

And so, we shifted from academic disputes to arguments.

It is narrated that Abu Umamah al-Bahili (may Allah be pleased with him) narrated: Allah's messenger - blessings of Allah and peace be upon him – said:

> ***"No people go astray after having followed right guidance, except that they resort to arguing, thereafter he recited:***
>
> ﴿ مَا ضَرَبُوهُ لَكَ إِلَّا جَدَلًۢا ﴾[9]
>
> ***{they do not set it forth to you except for [mere] argument}"***[10]

And we switched to venerating men and giving precedence to their sayings over the Shari'ah!

So, is there a person in the Ummah greater than Abu Bakr and 'Umar in rank and esteem – after its Prophet (blessings of Allah and peace be upon him)?!

If a person disagreed with 'Abdullah bin 'Abbas basing his argument on the statement of these two (Abu Bakr and 'Umar), he used to say:

> *"[I fear that] it is on the verge of stones falling upon you from the sky, I say to you Allah's Messenger said so, and you all are saying that Abu Bakr and 'Umar said so!"*
>
> End Quote[11]

For that reason, it is obligatory for us to explain what we see to be evident and clear with no ambiguity, as much as Allah enables. Therefore, I wrote on these issues, and here I gather them all into a single book asking Allah to decree acceptance for it.

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[8] Narrated by al-Bukhari, Muslim, Ahmad, at-Tirmidi, at-Tabari and others besides them authentically.

[9] az-Zukhruf 43:58

[10] Narrated by at-Tirmidi. He graded the Hadith as Hassan. Also narrated by Imam Ahmad Ibn Majah, Ibn Battah, al-Bayhaqi and others besides them.

[11] This is mentioned by Ibn Taymiyyah, Ibn al-Qayyim, and Sheikh Muhammad bin Abdul Wahhab – may Allah have mercy on them all - with no Isnaad. There is no *athar* with this exact wording narrated by Hadith Scholars. On the contrary there are narrations similar to it, without describing the form of Adhab that may befall upon the disputer. Therefore it is Sahih in meaning based on other similar narrations by 'Abdullah bin 'Abbas – may Allah be pleased with him - that are narrated authentically.

Here we present an authentic narration which is similar to the one quoted from ibn 'Abbas:

والله ما أراكم منتهين حتى يعذبكم الله، أحدثكم عن رسول الله، وتحدثونا عن ابي بكر وعمر

By Allah, I do not think that you would stop till Allah gives you Adhab (punishes you), I speak to you on the authority of the Messenger of Allah, and you all talk to us on the authority of Abu Bakr and Umar!

Issues in the Fiqh of Khilafah:

Introduction:

The first issue: The ruling on appointing the Imam[12]

The second issue: The criterion of the ahl al-Hal wa al-Aqd[13] (decision makers)

The third issue: The criterion of power held by the ahl al-Hal wa al-Aqd that counts

The fourth issue: The verdict on Bay'ah (pledging allegiance) to the Khalifah.

The fifth issue: Fighting those who refrain from giving the Bay'ah.

[12] In Shar'ee terminology if the term "The Imam" (الإمام) is used without any constraints then this term refers to the Khalifah. This is in contrast to the common usage in our times where the Imam is one who leads the Congregational Prayers.

[13]See glossary for the meaning of the term 'ahl al-Hal wa al-Aqd' in a bit detail, which can be loosely translated as'decision makers'.

Introduction

All praise is to Allah. May the blessings and peace be upon the messenger of Allah, his family and his companions.

It is from what is known to anyone with a mind; the virtue of gathering [as a community], holding fast and unity - for the wolf only eats from the sheep that wanders off – and it is in the nature of mankind that they love gatherings. And due to that you would even find the Tawaqheet taking part in alliances, gatherings and conferences. This is because being united decreases the burden. And the hand of Allah[14] is with the Jama'ah[15].However it is not just any Jama'ah. The hand of Allah is with those who unite upon Tawheed[16], rather at-Tabari chose that the Jama'ah is a group of Muslims when they gather upon a leader, and this is the most befitting way in which the Jama'ah was explained with.

Allah the Most High said:

﴿وَٱعۡتَصِمُواْ بِحَبۡلِ ٱللَّهِ جَمِيعٗا وَلَا تَفَرَّقُواْۚ﴾[17]

And hold fast to the rope of Allah all together, and do not be divided.

['Abdullah] Ibn Mas'ud (may Allah be pleased with him) said:

> "*Stick to the Jama'ah, for it is the rope of Allah that he ordered [to stick to]. Indeed, what you all hate in the Jama'ah is better than what you all love to divide upon."*[18] End Quote

al-Qurtubi (may Allah have mercy on him) said:

> *"And Ibn 'Abbas said to Simak al-Hanafi: O Hanafi, the Jama'ah the Jama'ah!!* [19] *The past nations were only destroyed because of their division. Haven't you heard Allah the Most High saying:* ***{And hold fast, to the rope of Allah all together, and do not be divided}****."* [20]

This is the importance of the Jama'ah, and the Jama'ah cannot be except with an Imam.

For this reason, 'Umar bin al-Khattab – may Allah have mercy on him – said:

> *There is no Islam without a Jama'ah, and there is no Jama'ah without a leadership, and there is no leadership without obedience.* End Quote.

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[14] Affirms that Allah, the most High, has hands, as is affirmed in the Qur'an, Sunnah, and the Aqeedah of Ahlu Sunnah wa al-Jama'ah. The hand of Allah being with the Jama'ah means His aid, support and blessings etc. is with the Jama'ah.

[15] Jama'ah literally translates to congregation, community, group, faction etc. See glossary.

[16] See glossary

[17] Aal-Imran 3:103

[18] Mawqoof. Narrated by at-Tabari, ibn al-Battah and others besides him.

[19] I.e. stick to the Jama'ah.

[20] See Tafsir al-Qurtubi for the Aayah 3:103. Seems to have originally been narrated by ibn abi Hatim in his Tafseer with a Hassan Isnad. Allah knows best.

I do not intend to dwell on the introduction. However, let everyone know that there will never be a Jama'ah and an obeyed unity for the Muslims except if they build the fort of the Khilafah and gather under their leader. Because the Imam is a shield.

The first issue: The ruling on appointing the Imam

I have named this study: Familiarising with the ruling on appointing the Imam

My talk regarding the obligation of appointing a Khalifah would not be merely bringing texts showing the Ijma' (scholarly consensus) upon the obligation of appointing the Imam. Indeed, a lot of books have sufficed us that exhaustively. However, I would talk about a fine detail since everyone knows that appointing the Imam is a Fard Kifayah (communal obligation), which if fulfilled by some, the obligation falls from the rest. And if everyone failed to do so, then the sin falls upon those who neglected it.

He, the most High said:

﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَٰٓئِكَةِ إِنِّي جَاعِلٌ فِي ٱلْأَرْضِ خَلِيفَةً﴾[21]

And remember when your Lord said to the Angels, "Indeed I will place a Khalifah [22] on the Earth"

al-Qurtubi said (in his Tafsir):

"*This Ayah is an origin regarding the appointment of an Imam and a Khalifah who is listened to and obeyed, so that unity can be attained through him, and for the implementation of the ahkaam of the Khalifah[23]. There is no dispute about the obligation of that within the Ummah nor amongst the Scholars except what has been narrated from al-Asam[24] since he was deaf about the Shari'ah"* End Quote.[25]

Ibn Hazm said regarding the obligation of appointing the Imam:

"All of the ahl as-Sunnah and all of the Shi'a, and all of the Khawaarijs except an-Najdaath among them agree upon the obligation of Al-Imamah" [26]

Abu Ya'la al-Faraa' (may Allah have mercy on him) said in his book al-Ahkaam as-Sultaniyyah:

"[Al-Imamah is a] ***Fard Kifayah (a communal obligation)****"* [27]. End Quote.

[21] al-Baqarah 2:30

[22] Also translated to: Successive generations of mankind, Vicegerent, Successive authority, Viceroy and Successor

[23] i.e. the duties of the Khalifah stipulated upon him by Shari'ah

[24] al-Asam means the Deaf, this is a title by which Hatim bin 'Unwaan is known with. (Died in: 237H) He is a known deviant who is known in Fiqh (jurisprudence) for his isolated and aberrant views.

[25] See Tafsir al-Qurtubi for the Aayah 2:30

[26] See al-Fasl fi al-Milal wa an-Nihal (v4-p73) - Paraphrased by author to summarise. Note: Imamate and Khilafah – both terms are used interchangeably to refer to one and the same. See glossary.

[27] See al-Ahkaam as-Sultaniyyah p19 - The Word Imamate is added by the author for clarification. Actual statement in reference is هي فرض على الكفاية – which means: It is a communal obligation.

Imam al-Juwainee (may Allah have mercy on him) said in al-Qhiyaasee:

> "*Appointing an Imam **<u>with the ability to do so is Wajib (obligatory)</u>**"* [28]. End Quote.

The point is that appointing the Imam is a communal obligation, like Abu Ya'la said, and it is so with the capability to fulfil it like al-Juwainee said.

The first precept: We agree that the appointment of a Khalifah for the Muslims **<u>is a communal obligation with the capability to do so</u>**

Fard Kifayah's [Communal obligations] have specific rules in it, from them:

1. **To fulfil it, it is sufficient that some people do it.**

al-Imam ash-Shafi'ee (may Allah have mercy on him) said:

> *"If (part of) those who are communally obliged to do it fulfil it, then it is sufficient from them, if Allah - the most High - wills."* End Quote. [29]

2. **If everyone failed to fulfil it, then all those who neglected it are sinful save the incapable one – for there is no sin on him.**

al-Imam ash-Shafi'ee (may Allah have mercy on him) said:

> "*And likewise, everything that is an obligation which is intended by it to be a communal one that can have substitutes is like this. So if a part of the Muslims who are communally obliged fulfil it, those who refrained from it are saved from sin. And if they all abandoned it together, I fear **<u>that no one among them who was capable of doing it is saved from sin</u>**, rather, I do not doubt it – if Allah wills*" [30] End Quote.

So the one who is capable if he abandons it he is sinful whereas the one incapable there is no sin upon him.

3. **If one who is capable has a strong assumption that others besides him would not fulfil the obligation, then it is obligatory upon him specifically to fulfil it.**

al-Imam ar-Razi said (in al-Mahsool):

> *"And know that being burdened with it depends on the attainment of the strong assumption. So if a group of people strongly assume that others besides them will fulfil that, the obligation falls from them. **<u>And if they strongly assume that others besides them would not fulfil it, then it is obligatory upon them to fulfil it</u>**."* [31] End Quote.

[28] See al-Qhiyaasee (short name of book titled Qhiyaas al-Umam fi at-Tiyaas az-Dhulm – p22)

[29] See al-Umm written by ash-Shafi'ee – Book on Funerals - Chapter on the Work on Funerals (v1-p312)

[30] See ar-Risalah by Imam ash-Shafi'ee (v1-p366)

[31] See al-Mahsool by ar-Razi (v2-p186)

And al-Mardaawee said:

> *"Our companions and others besides them said:* ***<u>And whoever who assumes that others besides him would not fulfil it, then it is obligatory upon him [to fulfil it]</u>****, and that is because an assumption is a reason that necessitates worship"*[32] End Quote.

An example for clarification: Burying a Muslim is a communal obligation.

- The one who is incapable to bury him is excused in the sight of Allah.
- Those who are able to bury him, if they do not fulfil it then they are sinful disobeyers.
- If one of those who are capable strongly assumes that the rest would not fulfil it, it is obligatory upon him to fulfil it.

The Question: Does the one who is incapable have the right to stop the one capable from fulfilling?!

And is it permissible for, the sinful capable one who abandoned it, to stop its fulfilment from the capable one who wants to fulfil it?!

Certainly the answer is No! And the one who says yes to preventing the one who wants to fulfil it, then such is a mad man.

Likewise Offensive Jihad is a communal obligation which if abandoned by everyone - they are all sinful except those who are incapable like the blind and the sick.

So is it permissible for the blind to prevent others from Jihad?!

We have mentioned:

The first precept: We agree that the appointment of a Khalifah for the Muslims **<u>is a communal obligation with the capability to do so</u>**

The second precept: We agree that **<u>the incapable and the capable one who abandons it, it is not permissible for them to stop the capable one from complying and fulfilling the communal obligation.</u>**

The result: The scenario of the situation of those opposed to the State of Islam (Islamic State) doesn't differ from either being incapable to fulfil their obligation of appointing a Khalifah, or they are those who are capable but negligent and disobedient. In both cases:

- **<u>It is incumbent upon the Islamic State specifically to appoint a Khalifah</u>**
- **<u>It is not permissible for these incompetent groups or negligent ones to prevent the Islamic State from fulfilling this obligation</u>**

[32]To illustrate this, think of the matter of ritual purification or Ablution. If a person has a strong assumption that he has Ablution, then there is no Shar'ee need for renewal of Ablution – even if there is a weak assumption or a doubt that he has lost Ablution. In contrast, if a person has a strong assumption that he has lost Ablusion, then it is the reverse. Here the reason for either renewing the Ablution or refraining from doing so is based upon an assumption and not certainty. However, this assumption when it becomes strong, results in a specific ruling. This is what it means when Assumption is a reason that necessitates worship. **See at-Tahbeer Sharh at-Tahreer by al-Mardaawee (v2-p879)**

We have established that appointment of a Khalifah is from the communal obligations in which all those who abandon it is sinful. Also, the Islamic State, when it first attained capability of appointing a Khalifah, its official spokesperson ash-Shaykh Abu Muhammad al-'Adnani sought from all the Mujahideen in the world to appoint a Khalifah[33]. He said that this is our sickness and our cure. However, no one paid any attention to it. So after that, the Islamic State announced the appointment of ash-Shaykh Abu Bakr al-Baghdadi Ibrahim bin Awwaad al-Husseini al-Qurayshi as the Khalifah for the Muslims.

So did they do wrong, did they err, and did they have their own way in a matter of the Ummah!

The Ummah is divided between: those who are weak and under the power of the Tawagheet and the Mujahideen who are incapable of fulfilling this obligation - an obligation from the greatest obligations, due to which the Sahabah (the Companions) delayed the burial of the Prophet (blessings of Allah and peace be upon him), and due to which they delayed the Qisas (retribution) from those who killed 'Uthman (may Allah be pleased with them all).

Ibn Hajar al-Haithamee said (in as-Sawa'iq al-Muharrafa):

> *"Also know that the Sahabah – may Allah be pleased with them all – reached consensus (Ijma') upon the appointment of the Imam after the era of Prophethood ended.*[34] ***Rather they made it one of the most important obligations when they were preoccupied with it over the burial of the Messenger of Allah – blessings of Allah and peace be upon him."*** [35] End Quote.

[33] "Is there not among the Muslims a righteous man? Is there not among the Muslims a man who is qualified? Is there not among the Muslims upon the face of the Earth a rightly-guided man that the Muslims may choose and thus he announces to the public his rejection of the tyrants, and disavowal of disbelief and polytheism and its people, and to declare his hatred towards them and his war against them? So that we may pledge allegiance to him upon that and we appoint him as Khalifah, and we fight whoever disobeys him with those who obey him, in Iraq, Ash-Sham, the Arabian Peninsula, Egypt, Khurasan and all of the Earth, and we thereby put an end to all this fragmentation and differing, and we bring joy to the believers and enrage the disbelievers, and there shall remain no legitimate Emirate other than it. This is the solution, and there is no solution besides it…" until he said "This solution is simple, there exists no impediment in the Shar'iah to prevent us from reaching it. Indeed it is the duty of our era in which the Muslims are falling behind (in implementing). This is our disease and our cure." [**"'Udhran Amir Al-Qaidah" Apologies, Amīr of Al-Qāʿidah by The Mujahid Shaykh Abu Muhammad Al Adnani Ash-Shami(HA) – The official spokesman of the Khilafah**]

[34] The phrase 'after the era of Prophethood ended' is significant in this statement because Ijma' is not valid during the lifetime of the Prophet – due to his presence, which is an indicator of the possibility of new revelation that abrogates what they were upon**. However, when the Prophet (blessings of Allah and peace be upon him) died – there is no possibility of new revelation. And from there, what the Sahabah reach a consensus or Ijma' upon would be considered as binding for the rest of the Ummah.**

[35] See as-Sawa'iq al-Muharrafa 'ala ahl ar-Rafd wa al-Dalaal wa az-Zanadaqa (v1-p25)

And Ibn Taymiyyah said (in as-Siyasah ash-Shar'iyyah):

> *"It is necessary to know* ***<u>that appointing a ruler to run the affairs of the people is from the greatest obligations of the religion</u>****. Rather, there is no establishment of the religion [nor the world]*[36] *except with it."*[37] End Quote.

O Allah, give us understanding of the religion, and show us the truth as the truth and enable us to follow it. And show us falsehood as falsehood and enable us to avoid it, O all-knowing! O all wise!

[36] The phrase in [ ] is omitted in the original Arabic work of this book. This potion translates to: 'nor for the world'.

[37] See as-Siyaasah ash-Shar'iyyah (p129)

The second issue: The criterion of the ahl al-Hal wa al-Aqd (Decision Makers)

I have named this study: Establishing the Basis and the Refutation regarding the Criterion of the ahl al-Hal wa al-Aqd (Decision Makers)

We have mentioned in a previous study which I named: **"Familiarising with the ruling on appointing the Imam"** that the appointment of the Imam is an obligation according to Shari'ah. The question that is put forward here is: How do we go about to fulfil this obligation?

So I wrote this study explaining in it, the way we fulfil this obligation, and I have named it "**Establishing the Basis and the Refutation**" because I have included in it a side of establishing the Muhkam[38]. And I followed it up with a side of refuting the Mutashabih[39]. This is to resemble the methodology of those deeply rooted in knowledge, for resembling the nobles is a victory.

To answer this previous question, it is necessary to answer a question before it.

What is the purpose of al-Imamah?

Allah, the most High, has mentioned the purpose of al-Imamah in his saying:

﴿ٱلَّذِينَ إِن مَّكَّنَّٰهُمْ فِى ٱلْأَرْضِ أَقَامُوا۟ ٱلصَّلَوٰةَ وَءَاتَوُا۟ ٱلزَّكَوٰةَ وَأَمَرُوا۟ بِٱلْمَعْرُوفِ وَنَهَوْا۟ عَنِ ٱلْمُنكَرِ ۗ وَلِلَّهِ عَٰقِبَةُ ٱلْأُمُورِ ﴿٤١﴾﴾[40]

[And they are] those whom, if We give them authority in the land, they would establish the prayer and would give Zakah and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of the matters

Therefore, the purpose of attaining power and strength is for commanding good and forbidding evil. And the greatest of good that is commanded is the establishment of Tawheed and the worst of evil that should be removed is Shirk, and after that the rest of the rulings of Islam follow.

Shaykh al-Islam Ibn Taymiyyah said:

> *"The waliyu al-amr*[41] *(the custodian of command) is only appointed to command good and forbid evil, and this is the purpose of leadership"*. End Quote.[42]

[38] Clear evidence from the Qur'an and Sunnah which are not ambiguous and do not present multiple interpretations are called Muhkam. Or one where there is a clear befitting interpretation.

[39] This is the opposite of the Muhkam, where the evidence is not clear or is ambiguous and presents multiple interpretations which may not have an interpretation that is more befitting compared to the other.

[40] al-Hajj 22:41

[41] A generic title used for guardians, governers, sultans, Khalifah etc.

[42] See as-Siyaasah ash-Shar'iyyah (p58)

He also said:

> *"Executing the Hudood [43] cannot be attained except by force and leadership."* End Quote.[44]

al-Hafidh Ibn Hajar said:

> *"And the origin in pledging allegiance to the Imam is to pledge allegiance on the basis that he would work upon Haqq [45], establish the Hudood, command good and forbid evil"* End Quote[46]

al-Khattaabee said:

> "*The people should have an Imam who would tend to the affairs of the people and enforce upon them the rulings of Allah, and deter them from evil and stop them from being unjust to one another and stop them from being corrupt".* End Quote. [47]

Al-Mawardee said:

> "*Al-Imamah is put in place in the Prophetic Khilafah for the purpose of watching over the religion and administration of the world*". End Quote[48]

And watching over the religion cannot be except with strength and consolidation

Ibn Taymiyyah said:

> *"(that) [appointing a ruler to run] the affairs of the people is from the greatest obligations of the religion. Rather, there is no establishment of the religion [nor the world]* [49] *except with it."* End Quote [50].

We have gone in-depth in explaining the purpose of al-Imamah because it is a goal, and the way to appoint him is only a path to the goal.

Now, we return to the previous question: How do we go about to fulfil this obligation?

The Imam only becomes an Imam if he attains **strength and power** because the purpose of al-Imamah cannot be fulfilled except with strength and power – and whatever an obligation is not completed except with it, then its attainment is obligatory as well.

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[43] Prescibed punishments for various crimes in the Qur'an, Sunnah and also those which are known by way of Ijma' are called Hudood.

[44] See as-Siyaasah ash-Shar'iyyah (p129)

[45] Generic term which includes these meanings: Truth, Justice, Correct, Rightness, Reality etc.

[46] See fath al-Bari (v13-p203)

[47] See ma'aalim as-Sunan (v3-p6)

[48] See al-Ahkaam as-Sultaniyyah (p15)

[49] The words in the [ ] brackets were omitted in the original text, was also quoted earlier, see footnote 39.

[50] See as-Siyaasah ash-Shar'iyyah (p129)

And all the ways of appointment that the scholars have mentioned in reality all stem from one purpose and that is **to attain strength and power by which the purpose of Al-Imamah can be realized.**

So the purpose of al-Imamah can either be attained in:

1. A prohibited way
2. A Shar'ee (permissible/legitimate) way

First: The prohibited way

That is a conquering Khalifah (al-Mutaqhallib) with force and without Shura (counsel).[51]

If the conqueror realized the goals of al-Imamah; i.e. keeping watch over the religion and administering the world; then two things result from that:

1. Continuance of his al-Imamah due to attaining strength by which he safeguards the religion and administers the world
2. He is sinful for taking the Khilafah by force without counsel.

This is because he has realized the purpose in a forbidden manner but has undertaken the responsibilities of al-Imamah. And due to that, it is obligatory to listen to him and obey. [However], since **he realized the purpose in a forbidden way** he is sinful for the prohibited path he undertook but his Al-Imamah continues because he has realized the purpose of al-Imamah. So the continuation of al-Imamah has no relationship to the permissibility or impermissibility in itself.

Ibn Taymiyyah said:

> *"Permissibility and impermissibility is connected to actions. As for the actual leadership and authority, it stands for the attained power. It may be attained in a way that is pleasing to Allah and His messenger like the authority of the Righteous Khalifahs. And it may be attained in a way that is a sin, like the authority of the oppressive rulers".* End Quote[52]

For that reason, the conqueror is only obeyed if he realizes the purpose of al-Imamah, unlike the Murji'a view of absoluteness in listening and obedience.

Ibn Battaal said:

> *"The Fuqaha[53] agree that obeying the conqueror is mandatory as long as he establishes the Jumu'ahs, the Eids and Jihad …. And that obeying him is better than rebelling against him due to [the prevention of the spilling of blood] and the soothing [of the mob][54] that it constitutes.[55]*

[51] See glossary for more information about Shura.

[52] See Minhaaj as-Sunnah an-Nabwiyya (v1-p530)

[53] Fuqaha : Jurists – Scholars specialized in Jurisprudence (Shari'ah).

[54] The words in [ ] brackets are omitted in the original arabic work. The … section is omitted by author to summarise

[55] See Sharh Sahih al-Bukhari by Ibn Battaal (v10-p8)

On the other hand, if he doesn't realize the purpose of al-Imamah, **al-Imam al-Juwainee has said**:

> *"In the case where he continues to be disobedient, and his tyranny becomes widespread, and corruption appears, and rightness stops, and the rights are not safeguarded and [the Hudood] are not implemented, and the safeguard is raised, and the treachery is clear; … then it is mandatory to fend off this intensifying matter"*. End Quote. [56]

So the point is attaining the purpose of al-Imamah. And even if the way of attainment is forbidden, still the Khilafah is valid.

Second: The Shar'ee manner (permissible/legitimate manner)

The legitimate manner is attaining strength and authority by way of:

1. Appointment of the successor by the previous Khalifah
2. Pledge of allegiance by the ahl al-Hal wa al-Aqd (decision makers)

First: Appointment of Successor

Indeed, if the Imam appoints the Khalifah (successor) after him and he attained strength and power, by which he realizes the purpose of al-Imamah, then the Khilafah would be valid.

However, if the succeeding Imam didn't attain strength and power, then it results in two things:

1. **The way is Shar'ee (legitimate) and there is no disobedience in it.**
2. **If the situation is like this, is the Khilafah valid or not?**

The correct view is that it is invalid, because he has not attained the purpose of [attaining] strength and power from it [i.e. from the appointment by the predecessor].

Ibn Taymiyyah said:

> *"And likewise 'Umar. When it was entrusted to him [i.e. the Khilafah] by Abu Bakr, He only became the Imam when they pledged allegiance to him and obeyed him. Were it decreed that they didn't execute the decree of Abu Bakr and they didn't give their pledge of allegiance to him, he would not have become the Imam, that is regardless of whether that is permissible or impermissible.*
>
> *This is because, permissibility and impermissibility is connected to actions. As for the actual leadership and authority, it stands for the attained power. It may be attained in a way that is pleasing to Allah and His messenger like the authority of the Righteous Khalifahs. And it may be attained in a way that is a sin, like the authority of the oppressive rulers."* End Quote. [57]

[56] See al-Qhiyaasee (Qhiyaas al-Umam fee at-Tiyaas az-Zulm) (p106) – Word in bracket omitted in original. The dotted section indicates part of the quote which the author omits for the sake of keeping it short.

[57] See Minhaj as-Sunnah (v1-p530)

So the route, which was undertaken, being legitimate doesn't necessitate the validity of al-Imamah. Likewise, the route being forbidden (in the case of a conquering Imam) doesn't necessitate the invalidity of al-Imamah. That is like what we mentioned from Ibn Taymiyyah.

So the decisive factor that manifests is the attainment of **the purpose** of al-Imamah.

- If the purpose is attained in an impermissible manner – the Khilafah is valid.
- And if the purpose is not attained by a Shar'ee manner – then the Khilafah is invalid.[58]

Second: Pledge of Allegiance by ahl al-Hal wa al-Aqd (decision makers)

- **The Scholars have differed regarding the criterion of the ahl al-Hal wa al-Aqd and the views regarding the ahl al-Hal wa al-Aqd conflict, however we will limit them to four views, thereafter we would clarify which is the preponderant opinion (Rajih) among them:**

1. The Consensus of the ahl al-Hal wa al-Aqd
2. A specific number of them, with difference on the number among them.
3. The majority of the ahl al-Hal wa al-Aqd
4. The people of Strength and Power

The first view: The Khilafah is not valid except with the consensus of the ahl al-Hal wa al-Aqd

This view is invalid by Ijma' (consensus) for three reasons:

As for Ijma', al-'Allaamah ash-Shawkani has said:

> *"And it is not from the conditions of the validity of al-Imamah that everyone who is suitable to give the pledge of allegiance to give it... For this is … rejected by the consensus of the Muslims – the first among them and their last, their predecessors and the ones to come".* End Quote. [59]

As for the reasons, they are three reasons:

- Because it is a burden that cannot be borne.
- Because it necessitates losing the purpose of the Khilafah for which the pledge of allegiance is a route to.

  Stipulating 'Ijma (consensus) leads to something forbidden which is "not establishing the purpose of al-Imamah". So this view is a route to what is forbidden. Imam ibn Juzay said: *The path to what is forbidden is forbidden*[60]
- Because no text has reached us that implies it.

[58] In both cases, "it" refers to "the purpose of the Imamate"

[59] See as-Sail al-Jarraar (p941) – Paraphrased by author to limit to what would suffice.

[60] See Taqreeb al-Wusool ila Ilm al-Usool (p174-175)

Imam Ibn Hazm has clarified these reasons and said:

> "*As for those who said: Indeed, al-Imamah is not valid except with the pledge of the virtuous of the Ummah in all parts of the lands, this is falsehood. Because it is a burden*[61] *that cannot be borne and something that is not in the capability – and how great it is as a hardship! And Allah, the most High, doesn't burden a soul except to its capability. And He, the Most High said: [meaning of Aayah] :{ He has not placed upon you in the religion any hardship.} It necessitates the loss of the interests of the Muslims before a part from the hundred parts of the virtuous people of this land all agree. So this corrupt view is invalid. And even if it was possible, it would not be necessary since it is a claim with no evidence*." [62] End Quote

al-Imam al-Juwainee said:

> "*From what is certain is that 'Ijma (consensus) is not a condition in the conclusion of al-Imamah according to Ijma'… And what supports that is our knowledge by necessity that* ***the purpose of appointing an Imam is to preserve the limits***[63] ***and what is forbidden in Islam and giving priority to the priorities of Islam***. *The majority of critical matters are not ones that can be subject to delays and not ones that can be lingered on. And if it is delayed in looking into it, that would have indeed brought about a shortcoming that cannot be made up for, which would be along with an aggravating craze that cannot be remedied. So it is clear from the set-up of al-Imamah the impossibility of stipulating 'Ijma in pledging allegiance for its establishment*".[64] End Quote.

So this view is invalid because it contradicts the purpose of al-Imamah.

The Second View: Stipulating a [specified] number [of people][65]

And those who selected this view differed amongst themselves regarding the number. They say that the pledge of allegiance is enough with:

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[61] In original arabic text it is لأنه من تكليف - whereas in the reference copies we have seen – لأنه تكليف – as we have brought. The meaning changes only slightly. The first means because it is from the burdens, whereas the latter means, because it is a burden.

[62] See al-Fasl fee al-Milal wa an-Nihal (v4-p129) – paraphrased to limit to what would suffice.

[63] al-Hawzah can be translated as : property or specific to Hawzat al-Islam which means the limits and what is forbidden in Islam. And so Hifdh al-Hawzah can be translated to protecting the rule/kingdom, however we have chosen to translate it to the latter based on Imam al-Juwainee's statement.

[64] See al-Qhiyaasee qhiyaas al-Umam fee at-Tiyaas az-Zulm (p67-68)

[65] Phrases in [ ] added for clarification by translator.

(one: because a contract is correct with one person, Two: because according to a view it is the minimum of what is considered plural [in Arabic], Three: because it is a Jama'ah which is not permissible to differ with, Four: because that is the highest number of witnesses that may be required for testifying, Forty: like the Jumu'ah prayer according to ash-Shafi'ee)

This view is invalid, because the explanations for these numbers are all invalid due to two reasons:

- Because there is no text that provides proof for the number, so taking hold of a certain figure with no text is being despotic.
- Because there is no similarity at all between the analogies that they have mentioned and no connection to it with al-Imamah.

Imam al-Juwainee mentioned these two points and said:

> "*These views have no origin in the issue of Al-Imamah... And these routes are from the weakest paths of resemblance. And they are the lowest measuring techniques in the Shari'ah. And I do not view that I should decide based on it, in things which are doubtful, or more likely, or which has more than one possibility with none of it more befitting than the other. Then what are the assumptions with regards to al-Imamah? And if a follower followed up the numbers that are considered in different places of the Shari'ah, a comparative point that is far-off wouldn't be missed* [66]*…. Thereafter there is no definite evidence regarding a specific number and so no number is more befitting than the other. And there is no reason to rule ascertaining a certain number. And if there is no evidence over any number, then a [specific] number wouldn't be established."* End Quote. [67]

And the Qadi of Sham Shaykh al-Islam Badru ad-Deen bin Jama'ah said:

> *A specific number is not stipulated in those who give the Bay'ah, on the contrary it is upon those who can be present when it is being given"* End Quote[68]

The third View: The pledge of allegiance is not valid except with the Majority of the Ahl al-Hal wa al-Aqd.

Some stipulated that for al-Imamah to be valid, the majority of the ahl al-Hal wa al-Aqd should pledge allegiance.

And here, the mixing and clashing [of views] has increased, so be precise with me O dear reader, because the matter is simple and easy upon one who refrains from desires and searches for the truth.

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[66] i.e. something would always be found that can be taken as point of comparison even if it is a very weak point of comparison.

[67] See See al-Qhiyaasee (p69-70) dotted section omitted in original arabic work. The word in [ ] is an addition by the author for clarity.

[68] See Tahreer al-Ahkam fee Tadbeer ahl al-Islam (p53)

Our dispute with those who take this view is regarding the pledge of allegiance being a condition for validity of the Khilafah. As for the attainment of the Khilafah with the majority, then this is correct.

As for making the pledge of allegiance of the majority a condition for the validity of al-Imamah, it is a false view because of the following:

- Because there is no text that provide proof for stipulating that.
- And stipulating it may necessitate the loss of the purpose of al-Imamah, for which the Bay'ah is made a path to.
- And stipulating it necessitates the invalidity of the Khilafah of 'Ali bin Abi Talib – the validity of which, is agreed upon.

As for it not being backed by any text, this is something that is not disputed.

As for the possibility that it would lead to loss of the purpose of al-Imamah:

That is because the agreement of the majority may be a very hard thing, like we have mentioned from Ibn Hazm who is certain that stipulating Ijma' is a burden that cannot be borne. Likewise, stipulating the agreement of the majority - also could be a burden that may not be borne, and so it is invalid like stipulating the Ijma' due to the same reason coinciding here.

Ibn Hazm said:

> "*Stipulating 'Ijma (consensus) is false. Because it is a burden that cannot be borne and something that is not in the capability– and how great it is as a hardship! and Allah, the most High, doesn't burden a soul except to its capability. And He, the Most High said: [meaning of Aayah]: {He has not placed upon you in the religion any hardship.} It necessitates the loss of the interests of the Muslims before a part from the hundred parts of the virtuous people of this land all agree. So this corrupt view is invalid. And even if it was possible, it would not be necessary since it is a claim with no evidence*" [69] End Quote

And what supports the falseness of stipulating the pledge from the Majority is our knowledge based on necessity that the purpose of appointing the Imam is for the preservation of the limits and what is forbidden in Islam, and giving priority to the priorities of Islam, and the majority of critical matters are not ones that can be subject to delays or can be subjected to lingering on.[70]

As for it necessitating the invalidity of the Khilafah of 'Ali bin Abi Talib

That is because we know that the majority of the ahl al-Hal wa al-Aqd didn't pledge allegiance to 'Ali.

Shaykh al-Islam said:

> "*Many of the Sahabah didn't pledge allegiance to 'Ali, like Abdullah bin Umar and the likes of him. And the people with regards to 'Ali were of three types: A type that fought alongside him, a type that fought against him, and a type that didn't fight him nor fought alongside him*" [71] End Quote.

[69] See footnote 63-64

[70] See quote of Imam al-Juwainee (footnote 66)

[71] See minhaaj as-Sunnah an-Nabawiyyah (v1 – p 535)

Thereafter he mentions the measure of this amount [of people who didn't pledge] by saying:

> "*As for 'Ali, from when he became the Khalifah, almost half of the Muslims ranging **from the earliest Muhajireen and Ansar** and others besides them - stayed away from giving the pledge of allegiance to him. From them are those who stayed without fighting alongside him nor fought against him like Usamah bin Zayd, Ibn 'Umar and Muhammad bin Maslamah. And from them were those who fought him **Thereafter many of those who pledged allegiance to him retracted from that**: from among them were those who made Takfeer*[72] *upon 'Ali and made his blood permissible, and from them were those who went to Mu'awiyah, like 'Aqeel his brother, and others like him*" [73]. End Quote

And I see that some cite the saying of Shaykh al-Islam and don't understand its meaning - it is this saying:

> "*And he only became an Imam [i.e. Abu Bakr (may Allah be pleased with him)]*[74] *due to the pledge of allegiance of the Majority of the Sahabah **who were the people of power and strength**. And due to this it didn't matter that Sa'd bin Ubada (may Allah be pleased with him) refrained from giving it. Because that doesn't diminish anything from the purpose of the appointment. For indeed, the purpose is to attain the capability and authority by which the interests of al-Imamah can be attained. And that has indeed been attained by the agreement of the majority upon that*." [75] End Quote

Some took this statement and said that the condition for the validity of the pledge of allegiance is for it to be from the majority of ahl al-Hal wa al-Aqd.

Shaykh al-Islam didn't say this, on the contrary his saying is clear. Ibn Taymiyyah was talking from the point of demonstration and not identifying the origin. And he was talking about a specific incident and that was the Khilafah of Abu Bakr as-Siddeeq. And this Khilafah has attained the purpose of al-Imamah in it by means of the pledge of allegiance of the majority.

So was it valid because the purpose of al-Imamah was attained or because it was the pledge of allegiance of the Majority?

The answer is clear in the text itself when Ibn Taymiyyah said:

> "*For indeed, the purpose is to attain the capability and authority by which the interests of al-Imamah can be attained. And that [i.e. the purpose of al-Imamah] has indeed been attained by the agreement of the majority upon that*."

[72] Takfeer is to declare a person to be a Kafir, a disbeliever.

[73] See minhaaj as-Sunnah an-Nabawiyyah (v8 – p316)

[74] Added by author for clarity.

[75] See minhaaj as-Sunnah an-Nabawiyyah (v1 – p 530)

Thereafter Ibn Taymiyyah has explained this in a position where he was establishing the origin and not in a place of demonstration, He said:

> "*[The decisive factor is in][76] the agreement of the people of strength in a way that it is enabled with them to execute **the aims of al-Imamah**, even if the leaders of strength is a **small number,** and the rest of them are in agreement to what they decide, al-Imamah is attained by the pledge of allegiance by them [i.e. the few people of strength] to him. And this is what is correct which is what the Ahlu as-Sunnah are upon. And this is the view of the leading scholars [like Ahmad and others]* [77]." End Quote. [78]

From what has preceded, [it has been established that] stipulating the pledge of allegiance from the Majority is invalid. On the contrary if the majority of the ahl al-Hal wa al-Aqd didn't have any strength with them to carry out the responsibilities of al-Imamah, the pledge of allegiance would not be binding even with them.

The fourth view: it is stipulated that the ahl al-Hal wa al-Aqd should possess strength and power.

The companions of this view stipulate attainment of strength and power by the Imam for the validity of the pledge of allegiance. This is whether it is attained by way of 'Ijma (consensus) of the ahl al-Hal wa al-Aqd – like in the case of 'Uthman (may Allah be pleased with him) – or by the majority – as in the case of Abu Bakr as-Siddeeq – or by the pledge of some – like in the case of the pledge of allegiance to 'Ali bin Abi Talib. So the decisive factor is attaining the purpose of al-Imamah and even if that happened with the pledge of one man who is obeyed, it would suffice.

Shaykh al-Islam said:

> *"In their view [i.e. the Ahl as-Sunnah] al-Imamah is confirmed by the agreement of the people of strength upon it. And a man doesn't become an Imam except with the people of strength agreeing upon him for it, by whose obedience to him leads to the attainment of the purpose of al-Imamah. This is because the purpose of al-Imamah is only attained by capability and authority. And if he is pledged allegiance to with a pledge by which the capability and authority is achieved, then he becomes the Imam"* End Quote.[79]

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[76] In reference the wording is فَهَذَا يُعْتَبَرُ فِيهِ – which means, "So this is considered in it as…". This is a paraphrase in the original Arabic text.

[77] Omitted in the original Arabic. Added by translator for emphasis.

[78] See minhaaj as-Sunnah an-Nabawiyyah (v8 – p 356)

[79] See minhaaj as-Sunnah an-Nabawiyyah (v8 – p 356) – This is a continuation of what Ibn Taymiyyah said in the previous quote. Ibn Taymiyyah continues saying, "on the contrary" … The [ ] section is an addition by author for clarification.

And he said:

> *"Whoever says that a person becomes an Imam with the agreement of one or two or four, and these were not people who possessed capability and strength, then he is mistaken".* End Quote. [80]

So by way of understanding the contrary we arrive at: "Whoever says that a person becomes an Imam with the agreement of one or two or four, and they were people who possessed capability and strength then he is not mistaken"

And this understanding has been mentioned by some Scholars

al-Imam an-Nawawi said:

> *"Even if al-Hal wa al-Aqd was connected to only one person who is obeyed, his pledge of allegiance is sufficient for al-Imamah to be concluded."End Quote.*[81]

And al-Qalqashandi said:

> *"The eighth – And it is the most correct according to our Shafi'ee scholars – may Allah be pleased with them -; That it is concluded by whom it is easy to attend when the pledge of allegiance is given, from amongst the scholars and leaders and all types of people who are characterized with the characteristics of witnesses even if al-Hal wa al-Aqd was connected to one person who is obeyed, it is sufficient". End Quote.*[82]

And al-Imam al-Juwainee said:

> *"If one man pledges allegiance - who is notable and has a lot of followers and supporters, who is obeyed by his people - And if his pledge of allegiance results in what we have pointed to, al-Imamah is concluded"*. End Quote.[83]

al-'Allaamah Muhammad al-Amin ash-Shanqeeti said in al-Adwa'u al-Bayaan:

> *"And what is implied by what ash-Shaykh Taqi ad-Deen Abu al-Abbas Ibn Taymiyyah said in [al-Minhaj] is that, it is only concluded by the pledge of allegiance by those whose allegiance, its authority is strengthened, and he is capable of executing the ahkaam[84] of al-Imamah by it. This is because one who has no power over that is like any other individual from the people and is not an Imam".* End Quote. [85]

[80] See minhaaj as-Sunnah an-Nabawiyyah (v 1– p 531)

[81] See rawadha at-Talibeen wa 'Umdat al-Mufteen (v10-p43)

[82] See ma'aathir al-Inaafah fee ma'alim al-Khilafah (v1-p44)

[83] See al-Qhiyaasee qhiyaas al-Umam fee at-Tiyaas az-DHulm (p71-72)

[84] i.e. the duties of the Khilafah.

[85] See adhwa'u al-Bayaan (v1-p23)

This view is the preponderant view and the reason for that is - the decisive factor for us is the attainment of the purpose. And the purpose is establishing the religion of Allah, commanding good and forbidding evil. The purpose is not for so-and-so from the ahl al-Hal wa al-Aqd to be pleased!

Due to that, we:

- We have ruled that al-Imamah of the conqueror – without a Bay'ah – is valid when he has fulfilled the purpose of al-Imamah.
- We have ruled that al-Imamah of the appointed successor is valid if he fulfils the purpose of al-Imamah.
- We have ruled that al-Imamah of the conqueror is invalid if he didn't fulfil the purpose of al-Imamah
- We have ruled that al-Imamah of the appointed successor is invalid if he didn't attain power by which the purpose of al-Imamah can be attained with.

And it is the same even in the case of the Bay'ah

- We rule that the pledge of allegiance is valid if the purpose of al-Imamah is attained even if that was achieved with the pledge of allegiance of one man who is obeyed.
- And we rule that the pledge of allegiance is invalid if he didn't realize the purpose of al-Imamah even if was a pledge by the Majority.

Based on this establishment of the origin, our views would be organized, and our ramifications would not be self-contradictory. Because the purpose is the fundamental aim. So whenever the purpose is attained the Khilafah is valid. And whenever the purpose is not attained the Khilafah is invalid. This is regardless of whether it was attained in a Shar'ee (legitimate) manner or in an impermissible manner.

However, the problem is that those who dispute with us say: We are not debating whether the purpose of al-Imamah and Power and Strength has been attained. But we are debating that so-and-so have not given the Bay'ah!!!

Maybe a person may ask: And what is the criterion of Strength and Power, so that we can decide if it has been attained or not?

The answer to this question, with the permission of Allah, the most High, is in the next study.

O Allah, give us understanding of the religion, and show us the truth as the truth and enable us to follow it. And show us falsehood as falsehood and enable us to avoid it, O all-knowing! O all wise!

The third issue: The criterion of power held by the ahl al-Hal wa al-Aqd that counts

I have named this study: The certain reality in the criterion of ash-Shawkah and at-Tamkeen[86]

In the first study which is titled: "**Familiarising with the ruling on appointing the Imam**", we talked about the ruling of appointing the Imam and we arrived at the conclusion that whoever who refrained from fulfilling the command with the ability to do so, then such is a sinner.

Thereafter, in the second study which was titled "**Establishing the basis and the refutation regarding the Criterion of the ahl al-Hal wa al-Aqd (Decision Makers)**" , we talked regarding how this obligation is fulfilled and we arrived at the conclusion that its fulfilment is based on attainment of the purpose of al-Imamah – either by appointment of a successor by the previous Imam, or by Bay'ah of the ahl al-Hal wa al-Aqd, or by way of conquering which is in its origin forbidden, however, al-Imamah is valid if he realizes its purpose.

And since the Khilafah of ash-Shaykh Ibrahim bin Awwaad al-Baghdadi was established with the Bay'ah (pledge of allegiance) of the ahl al-Hal wa al-Aqd, we talked about the criterion of the validity of their pledge. We stated that the Bay'ah of those by whose pledge, strength and power is attained - by which the purpose of al-Imamah is attained - then such a pledge of allegiance is valid, and if not, then it is not valid and is not established.

As for the ahl al-Hal wa al-Aqd: They are people of strength and consolidation whom if they pledge allegiance to the Imam upon listening and obedience, it enables the Imam to establish the religion, and the administration of the world, and preservation of the limits of the religion and enforce what is forbidden.

Perhaps the reader may agree with me about what has preceded. However, he may ask how do we know whether strength and consolidation has been attained or not – so that we can establish the validity or invalidity of the Khilafah based on that?

And to answer this question, I wrote: "**The certain truth in the criterion of ash-Shawkah and at-Tamkeen**".

[86] Ash-Shawkah and at-Tamkeen: We have translated these terms previously as Strength and Consolidation respectively. However, we have decided not to translate these terms here since the author will be defining the meaning of these terms both linguistically and according to Shari'ah – which is the intended meaning.

What is ash-Shawkah and what is at-Tamkeen!

- **Meaning of ash-Shawkah (الشوكة):**

  It has come in mukhtaar as-Sihaah that:

  > *"ash-Shawkah is the singular of (ash-Shawk [i.e. spines/thorns]. And [the meaning of a] Shaa-ik tree is one that has thorns. And [the meaning of] a Shaakah tree is one which has a lot of thorns. And if it is said Shaakath-hu ash-Shawkah it means that a thorn has entered/pricked his body. … and ash-Shawkah is the intensity of might/strength/power*." End Quote.[87]

  Power and strength is called Shawkah due to its penetration similar to how a Shawkah (a thorn) penetrates the body.

  Ibn 'Aashoor said in his Tafsir

  > "*Using ash-Shawkah as a metaphor for might is widespread. It is said that a man is a possessor of Shawkah to mean that he is a possessor of power, from which refuge is sought. This is like how the "al-Qarn" (the Horn) is used as a metaphor for might as in their saying: He displayed his horn.*[88] *And also the word "an-Naab" (the Canines) as in their saying: Exhibited his canines.*[89] *And that is from likening what is understood to something that is perceived*."[90] End Quote. [91]

- **Meaning of at-Tamkeen (التمكين)**

  It is from the Arabic verb (مكن - mak-kana – past tense), present tense is (يمكن – yumak-kin) whose base form is (تمكين – Tamkeen). The subject of the verb is (ممكن – mumak-kin) and the direct object of the verb is (ممكن – mumak-kan)

  [The verb itself can be rendered to the following in English: to establish, fasten, secure, consolidate, empower, enable, give power or authority to, make possible for, put in a position to]

  [If it is said:]مكن له في الشيء – makkana lahu fi ash-Shai: It means to make him authoritative and powerful over the thing.

[87] See mukhtaar as-Sihah (p170)

[88] Used as a metaphor to mean: To display his power

[89] Used as a metaphor to mean: To show displeasure. To show readiness for battle.

[90] A way in which metaphors are used. For example: Likening courage and boldness to a lion - where courage and boldness is something that is understood whereas a lion is something perceived.

[91] See at-Tahreer wa at-Tanweer (v8-p270)

Allah the Most High said:

﴿ٱلَّذِينَ إِن مَّكَّنَّٰهُمْ فِى ٱلْأَرْضِ أَقَامُوا۟ ٱلصَّلَوٰةَ وَءَاتَوُا۟ ٱلزَّكَوٰةَ وَأَمَرُوا۟ بِٱلْمَعْرُوفِ وَنَهَوْا۟ عَنِ ٱلْمُنكَرِ ۗ وَلِلَّهِ عَٰقِبَةُ ٱلْأُمُورِ ﴿٤١﴾﴾[92]

[And they are] those whom, if We give them authority in the land, they would establish the prayer and would give Zakah and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of the matters.

Imam at-Tabari said [explaining this Aayah]:

"*If we establish for them in the lands, and they defeated the polytheists and over-powered them,*[93] *they would obey Allah, and they would establish the Salah in its limits (i.e. in its time) and they would give Zakah from their property to those whom Allah made it due to, and they would invite the people to the Oneness of Allah and to act upon obeying him and what the people who believe in Allah know of." End Quote* [94]

And He, the Most High said:

﴿وَعَدَ ٱللَّهُ ٱلَّذِينَ ءَامَنُوا۟ مِنكُمْ وَعَمِلُوا۟ ٱلصَّٰلِحَٰتِ لَيَسْتَخْلِفَنَّهُمْ فِى ٱلْأَرْضِ كَمَا ٱسْتَخْلَفَ ٱلَّذِينَ مِن قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ ٱلَّذِى ٱرْتَضَىٰ لَهُمْ وَلَيُبَدِّلَنَّهُم مِّنۢ بَعْدِ خَوْفِهِمْ أَمْنًا ۚ يَعْبُدُونَنِى لَا يُشْرِكُونَ بِى شَيْـًٔا ۚ وَمَن كَفَرَ بَعْدَ ذَٰلِكَ فَأُو۟لَٰٓئِكَ هُمُ ٱلْفَٰسِقُونَ﴾[95]

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[92] al-Hajj (22:41)

[93] Imam at Tabari has added a detail here to say that the people of this Aayah: they are the companions of the Messenger of Allah. And in that context the Tafsir would be "*If we gave them victory over their enemies and defeated the polytheists of Makkah"* – However as it is well known, the meaning of the Aayahs are not specifically restrained except when there is a clear evidence for it. This is as per the well-known Tafsir rule: **"The decisive factor is generality of the phrase and not the specialness of the reason"**. And due to this reason Ibn Abbas said as recorded in Tafsir al-Qurtubi about the aayah: The intended is the Muhajireen and the Ansaar **and those who followed in goodness**, Ikrimah says: They are the people of the five prayers. Al-Hassan and Abu Ya'la says: They are this ummah, if they are given victory, they establish the prayer. Ad-Dha-haak said: It is a condition stipulated by Allah over those who are given the rule and other sayings (See Tafsir al-Qurtubi for more v12-p73) We mention this here to fend any criticism by an ignorant Faasiq - that may be hurled at the author for paraphrasing to what is needed.

[94] See Tafsir at-Tabari (v18-p651) or for this Aaya – Paraphrased by the author to make it short.

[95] an-Nur (24:55)

> ***"Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and that He will surely establish for them their religion which He has preferred for them and that He will surely substitute for them - after their fear – [with] security. They worship Me, not associating anything with Me. But whoever disbelieves after that - then those are the defiantly disobedient."***

Ibn Kathir said in his Tafsir:

> *"This is the promise from Allah to his Messenger (blessings of Allah and peace be upon him), that he would make the Ummah of Muhammad successors of the World. i.e. Leaders of the people and Rulers over them, and through them the lands will be set up right, and the people would submit to them, and He would surely change, after their fear of people, to security and rulers over them. And He has done that – glorified and most high He is – and to Him is the Praise and Favour".*[96]

So ash-Shawkah and at-Tamkeen, both of it, mean al-Quwwa (power), al-Qudra (capability, and al-Ba's (might).[97]

The Question that is put forward: What is the sufficient measure of at-Tamkeen, which if found, we can judge the Khilafah to be valid?

The answer is as follows:

at-Tamkeen is of two types:

1. Tamkeen Mutlaq (Complete) *[Absolute Authority]* [98]
2. Mutlaq Tamkeen (Partial) *[foundation/origin/basis of Authority]* [99]

First: at-Tamkeen al-Mutlaq [Absolute Authority]

As for complete absolute authority – no sane person stipulates this. This is because it is a burden that cannot be borne.

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[96] See Tafsir Ibn Kathir – (v6-p77)

[97] Al-Quwwa, al-Qudrah, al-Ba's, ash-Shawkah, al-Man'ah all of these words have similar meanings and maybe used synonymously in Arabic with only very subtle differences.

[98] In Arabic the word Mutlaq refers to absoluteness. In the Shari' terminology something that is Mutlaq refers to the full form. For example if we say al-Iman al-Mutlaq : it means absolute faith – the complete form.

[99] In contrast to something that is Mutlaq, the Mutlaq of something is the lowest limit to which the name can be applied, or to the origin or the basis or the foundation of such a thing. So in that sense al-Mutlaq al-Iman refers to the lowest or origin of faith. This may be confusing. But the point to remember is:

- Something that is Mutlaq is its absolute complete full form, whereas
- The Mutlaq of something refers to any bit of that something, or a partial form, or the origin of it or its basis.

And because it necessitates from it false outcomes. From them:

- **The invalidity of the State of the Prophet (blessings of Allah and peace be upon him)**

  al-Imam al-Qurtubi (may Allah have mercy on him) mentioned in his Tafsir a narration from Abu al-'Aliyah saying:

  > *"The Messenger of Allah - blessings of Allah and peace be upon him - stayed in Makkah for ten years in fear after the Wahyi [revelation] descended upon him, where he and his companions called to Allah in secrecy and openly. Thereafter they were commanded with Hijra to al-Madinah where they were spending their days and nights in fear with their weapons. So a man said: O messenger of Allah, wouldn't a day come upon us wherein we are in security and put our weapons down? So the Prophet - peace be upon him -said: "You would not tarry except for a little while, till a man from you would sit at ease[100] in the midst of great gatherings with no weapons." And this aayah[101] was revealed. And Allah gave victory to his Prophet over the Arabian Peninsula, and they put their weapons down and were in safety."* End Quote. [102]

- **The invalidity of the state of the Abu Bakr as-Siddeeq**

  This is because many lands and cities apostated from Islam in his reign as Khilafah (may Allah be pleased with him)

  al-Imam Ibn Ishaq[103] (may Allah have mercy on him) said:

  > *"With the death of the Messenger of Allah, the Arabs apostated, with the exception of the people of the two mosques: Makkah and al-Madinah!" End Quote.*[104]

- **The invalidity of the state of 'Ali bin Abi Talib**

  This is because 'Ali bin Abi Talib didn't have any power or consolidation in ash-Sham (the Levant), and other lands besides it.

[100] This is translated as 'at ease' from what the word implies and lack of a better word. The actual translation would be rendered as: sitting on one's bottom with the legs bent towards the body in a relaxed position.

[101] The aayah referred to in this quote is 24:55. See footnote 95

[102] See Tafsir al-Qurtubi (v12 – p297)

[103] al-Imam Muhammad bin Ishaq (may Allah have mercy on him) – the first Muslim historian who wrote a biography of the Prophet (blessings of Allah and peace be upon him) – (died in 151H)

[104] See al-Bidayah wa an-Nihayah by ibn Kathir (v8-p172) – *Ibn Kathir has not mentioned an Isnaad for this narration of ibn Ishaq. It maybe that ibn Kathir had the book of ibn Ishaq or had a narration from him which was not mentioned here. This is a form of narration that maybe rejected if no supporting evidence found. However, the narrative of the Riddah or Apostasy of the Arabs except those in Makkah and Madinah in the wake of the Prophet's death is well known (blessings of Allah and peace be upon him) and doesn't harm at all, in sha Allah.*

al-Hafidh ibn Kathir said:

> *" 'Ali bin Abi Talib sent Sahl bin Hunaif as the governor of ash-Sham to replace Mu'awiyah, so he went forth till he reached Tabuk where he was intercepted by Mu'awiyah's cavalrymen. They said: Who are you? He replied: an Emir [i.e. a leader/governor] They asked: Over what? He replied: Over ash-Sham. So they said: If it was 'Uthman who has sent you then go forth with yourself. And if it was another besides him who sent you, then return. So he said: Have you not heard of what has happened? [i.e. about 'Ali becoming Khalifah]. They said: Yes. So he returned back to 'Ali" End Quote.*[105]

Rather, if we made it a condition, then we would not have found even one Khilafah that is valid. This is because there is no Khilafah that had full authority.

ash-Shaykh Usamah bin Laden - may Allah accept him - said:

> *"And if Absolute authority was a condition in the Establishment of an Islamic Emirate in this age, then no state would have been established for Islam" End Quote.*[106]

So for us to make Absolute authority a condition for the validity of the Khilafah is an injustice, oppression, and the mockery of ignorance in itself.

Secondly: Mutlaq at-Tamkeen [Basis of Authority]

This is partial authority over a land from the lands.

We return to the question that was put forward earlier: What is the sufficient measure of at-Tamkeen, which if found, we can judge the Khilafah to be valid?

The Answer: the Criterion of the measure of at-Tamkeen which is enough for attainment of the [validity of the] Khilafah is – the establishment of the religion of Allah over the people whether they are strong or weak [people].

And this is the very thing which has an effect on the ruling of a Daar[107] [i.e a land]. So the Dar al-Islam is one in which authority is for the people of Islam such that the laws of Islam are applied upon the people equally.

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[105] See al-Bidayah wa an-Nihayah (v10-p429) – Section in brackets [ ] is rephrased by author to summarise

[106] Listen to "***The way to foil conspiracies" – "as-Sabeel li Ihbaat al-Mu'aamaraat"*** from 33:33 min:sec

[107] A Daar in Arabic is a Shar'ee term used to refer to lands in the context of Shar'ee jurisprudence (fiqh) where it can be, for example a Dar al-Islam, a Dar al-Kufr (al-Asli), Dar al-Kufr al-Murtad, Dar al-Harb etc.

as-Sarkhasy said in al-Mabsoot:

> *"A land is only attributed to us or to them depending on strength and supremacy. So every place in which the rule of Shirk is apparent, then the strength in that place is for the Mushrikeen and such is a Dar al-Harb [a land of War].* ***And every place where the rule of Islam is apparent then in such a place the strength is for the Muslims".*** End Quote.[108]

So the appearance of the rule of Allah over the people and its implementation over them is the evidence over attainment of sufficient Tamkeen (authority).

Shaykh al-Islam[109] said:

> *"In their view [i.e. the Ahl as-Sunnah] al-Imamah is confirmed by the agreement of the people of strength upon it. ... by whose obedience to him enables the attainment of the purpose of al-Imamah." End Quote.*[110]

And he also said:

> "[*The decisive factor is in] the agreement of the people of strength in a way that it is enabled with them to execute* ***the aims of al-Imamah.***" End Quote.[111]

Therefore, sufficient Tamkeen is that by which the purpose of al-Imamah can be attained with. And the purpose of al-Imamah is the establishment of the religion of Allah over all the people in the lands of the Imam.

So, has the Khalifah of the Muslims Abu Bakr al-Baghdadi al-Qurashi attained this amount of Tamkeen or not?

We say yes, this measure has been realized, and more:

- Because in Iraq and Sham, all of the laws of Allah, are applied to everyone with equality and justice, and upon a great expanse of the land. And the best witness upon this is the case when a clan defied to submit to it, so they were forcefully subjected to the law of Allah, so they chose obvious war which resulted in a humiliating submission.
- The Islamic State has a Shawkah and a Tamkeen when they managed to conquer cities in a span of three months - which the world says that they want three years to get back!
- And every one of us see and hear about how the Shari'ah of Allah is established upon the disbelievers and the Muslims.

[108] See al-Mabsoot (v10-p114)

[109] Every instance where the Author mentions Shaykh al-Islam, it refers to Ibn Taymiyyah rahimahullah.

[110] See footnote 80 – This is paraphrased by the author to make it short.

[111] See footnote 78 and 79

- And we have indeed seen the Christians paying the Jizya in a state of humiliation and their agreement to return to the old Conditions of 'Umar[112] upon them. And we see the humiliation and shame that have been wrought upon the Mushrikeen (polytheists) by enslaving their women, killing their soldiers and making an example out of them.
- Likewise, we have seen the stoning and whipping of the adulterer, cutting the hand of the thief and others besides it from the Hudood (prescribed punishments) of Allah that had vanished for centuries.
- And just like how we see the conditions of 'Umar being executed, we see the conditions of Abu Bakr as-Sideeq upon those who denied [part of the Shar'iah] executed upon some of the clans.
- All of this and others besides it is from implementing the saying of Allah the Most High:

﴿وَقَٰتِلُوهُمۡ حَتَّىٰ لَا تَكُونَ فِتۡنَةٞ وَيَكُونَ ٱلدِّينُ كُلُّهُۥ لِلَّهِۚ فَإِنِ ٱنتَهَوۡاْ فَإِنَّ ٱللَّهَ بِمَا يَعۡمَلُونَ بَصِيرٞ ٣٩﴾[113]

"And fight them till there is no more Fitnah and the Religion, all of it, is for Allah. And if they stopped, then indeed Allah is the All-Seer of what they do"

So what Tamkeen do you all want after this? This is from the pure favour of Allah [upon us] which we didn't even dream of happening someday.

O' Allah, complete upon us your blessing, and increase the Tamkeen for our state, and make us firm upon your religion till we meet you.

[112] The conditions of Dhimma stipulated by 'Umar – may Allah be pleased with him – which gives the disbeliever safety to live in the lands of Islam with certain conditions such as: not building new churches/synagogues etc.
[113] al-Anfal (8:39)

The fourth issue: The ruling on pledging allegiance to the Khalifah

I have named this study: The slicing sword regarding the ruling of pledging allegiance to the Imam

We have not ceased to move forward with a step at a time by mentioning the introductions and the outcomes.

That is from stating the ruling of appointing the Khalifah in: "**Familiarising with the ruling on appointing the Imam"**

To stating how he is appointed in: **"Establishing the origin and the refutation regarding the Criterion of the ahl al-Hal wa al-Aqd (Decision Makers)"**

To agreeing that the decisive factor is ash-Shawkah and at-Tamkeen (power, authority and consolidation), and not the number of those who give the pledge of allegiance or the number of those who desist. Thereafter we stated the Criterion of power and strength in: **"The certain reality in the criterion of ash-Shawkah and at-Tamkeen"**

From what has preceded, the validity of the Khilafah is ascertained, confirming that ash-Shaykh Abu Bakr al-Baghdadi Ibrahim bin Awwad al-Husseini al-Qurayshi is the Khalifah for the believers and the Imam of the Muslims.

A questioner may now ask: **So what is our obligation with regards to the Khalifah and the Khilafah?**

And in answer to this question I wrote: "**The slicing sword regarding the ruling of pledging allegiance to the Imam"**

So what is the ruling of Bay'ah of the Imam?

To answer this question, we would state the meaning of Bay'ah because the verdict on a thing is a branch from understanding it.

First: Meaning of al-Bay'ah

Ibn Manẓūr said in Lisaan al-Arab:

> *"wa Baaya'ahu 'alaihi Mubaya'ah : and He pledged upon him a pledge – which means He agreed with him. And [Baaya'thuhu] is from [al-Bay'u - selling], and [al-Bay'ah – pledging] together. And [at-Tabaayu'] is like it. It is narrated in the hadith that he said: "Will you not pledge me upon Islam?" It is an expression for contracting and agreeing – it is as if each one - from the both of them - sells what is with him to his companion, and gives his companion his self exclusively, his obedience and [the right to decide on the] most personal of his matters". End Quote.*[114]

[114] See Lisaan al-Arab (v8-p26)

Ibn Khaldūn said in his Muqaddimah:

> *"Know that the Bay'ah is an agreement upon obedience. It is as if the one who gives the pledge agrees with his Amir (i.e. leader) that he is surrendering to the leader the right to decide in the matters of himself and the matters of the Muslims, and that he would not argue with him in anything from that, and to obey him in all the matters that he is entrusted with by the leader in times of ease and difficulty."* End Quote. [115]

So al-Bay'ah is: <u>Submission with listening and obedience, in what is not a sin, according to the capability.</u>

This definition of al-Bay'ah has conditions in it:

The first condition: Listening and Obedience

That is, for the one giving the pledge to listen to the sayings of the Imam or his representative, and obey it, as an obedience to Allah and His messenger.

He, the most high said:

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ أَطِيعُواْ ٱللَّهَ وَأَطِيعُواْ ٱلرَّسُولَ وَأُوْلِي ٱلۡأَمۡرِ مِنكُمۡۖ ﴾ [116]

> **"O you who have believed! Obey Allah and obey the Messenger, and those among you in authority."**

'Ali bin Abi Talib (may Allah be pleased with him) said:

> *"It is an obligation upon the Imam to rule by what Allah has sent down, and to fulfil the trust. And if he does that, then it is an obligation upon the subjects to listen and obey" End Quote*.[117]

It is narrated from Abu Huraira that the Messenger of Allah (blessings of Allah and peace be upon him) said:

> ***"Whoever obeys me, has indeed obeyed Allah. And whoever disobeys me, has indeed disobeyed Allah. And whoever obeys a leader I appoint, has obeyed me. And whoever disobeys a leader I appoint, has disobeyed me".***[118]

And this is the state of the people of belief, they say we hear and we obey. Unlike the Jews who said we hear and we disobey.

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[115] See al-Muqaddimah of ibn Khaldun (p217)

[116] an-Nisa (4:59)

[117] Narrated by Tabari in his Tafsir, also by ibn Shaybah in his Musanaf, ibn Munzir in his Tafsir, and Abu Hatim in his Tafsir with a sound chain of narrators.

[118] In Sahih al-Bukhari and al-Muslim

The Imam of the Tafsir scholars at-Tabari said:

> "*and His saying, the Most High: { And they say we hear and we disobey } : He whose praise is raised high, intends by that: from those who took to Judaism said: We hear your saying O' Muhammad, and we have disobeyed your command".* End Quote.[119]

The second condition: "in what is not a sin."

This listening and obedience is in what is not a disobedience to Allah, so if the Imam commands with a sin, then there is no listening nor obedience upon it.

It has been narrated by Ibn Umar (may Allah be pleased with him) that the Prophet (blessings of Allah and peace be upon him) said:

> *"It is an obligation upon a Muslim man to listen and obey in what he loves and hates, except that he is commanded with a sin. And if he is commanded with a sin, then there is no listening and obedience for* it." [120]

al-Bukhari narrated from 'Ali bin Abi Talib that the Prophet (blessings of Allah and peace be upon him) said:

> *"Obedience is only in what is good".*[121]

The third condition: "according to the capability"

Listening and Obedience is only owed to the Imam because Allah has commanded us with that.

- And generally, **the commands of Allah** are submitted to the capability.

  He, the most High, said:

  ﴿فَٱتَّقُواْ ٱللَّهَ مَا ٱسۡتَطَعۡتُمۡ وَٱسۡمَعُواْ وَأَطِيعُواْ﴾[122]

  "So fear Allah as much as you can and listen and obey"

  Ibn Jarir at-Tabari narrated from Qatadah who said [in explanation of this aayah]:

  "In whatever you are able to do, O ibn Adam, upon that; pledge allegiance to the Messenger of Allah – blessings of Allah and peace be upon – upon listening and obeying in whatever you can." End Quote.[123]

[119] See Tafsir at-Tabari (v8-p443)

[120] Narrated by al-Bukhari and Muslim in their Sahih's. Rather, it is narrated in the Six books of Hadith and also by Imam Ahmad in his Musnad, and others besides them narrated it as well.

[121] Narrated by al-Bukhari, Muslim, Abu Dawud, an-Nasa'ii, Imam Ahmad, ibn Hibban, and others besides them as well.

[122] at-Taghabun (64:16)

[123] See Tafir at-Tabari (v23-p427)

- **And the commands of the Prophet** - blessings of Allah and peace be upon – we obey them also, based upon our capability. It has been narrated from Abu Huraira that the Prophet – *blessings of Allah and peace be upon – said:*

  "If I command you with a command, then come with[124] as much as you can from it" [125]

- **And the commands of the Khalifah**, we obey them as much as we can. It is narrated by 'Abdullah bin ['Amr][126] (may Allah be pleased with him) who said: The messenger of Allah – blessings of Allah and peace be upon him – said:

  "Whoever pledges allegiance to an Imam, and clasped his hand with sincerity, then he should obey him in whatever he is able" [127]

And it is narrated from 'Abdullah bin Dinar who said:

> ***"I heard ibn 'Umar saying: When we used to give Bay'ah to the Messenger of Allah – blessings of Allah and peace be upon him – he would teach us [to say] : 'Upon Listening and Obedience in whatever we are able' "*** [128]

Therefore, al-Bay'ah is on listening and obedience, in what is not a sin, according to the capability.

Secondly: The ruling on pledging allegiance to the Khalifah

Listening and Obeying one who takes leadership of the believers is an obligation as per the Shari'ah.

> ***It has been narrated by Abu Huraira (may Allah be pleased with him) that the Prophet – blessings of Allah and peace be upon him – said: 'and there would be Khalifahs and they would increase'. They said: What do you command us? He said: 'Fulfil the Bay'ah of the first, then the next [and so on]. And give them their due right because Allah would question them about what they were entrusted'***[129]

The term 'foo' (فُوا) : is the imperative form of (وفى – يفي : he fulfilled – he fulfils) which means: fulfil the pledge to the first. And ash-Shaykh al-Baghdadi is the first Khalifah who was appointed in our time so it is obligatory to fulfil the Bay'ah to him.

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[124] This means to fulfill the order as much as is possible.

[125] Narrated by al-Bukhari and Muslim in their Sahih's and also by others.

[126] The author mentions this as a narration from 'Abdullah bin 'Umar – this is most likely a mistake that was copied as is from a hadith book. However upon investigation, it is clear that the actual narrator of this hadith is 'Abdullah bin 'Amr bin al-'Aas and no one else. We arrive at that based on the context of the remaining portion of the hadith and similar investigations by muhaditheen. And Allah knows best.

[127]Narrated by Muslim in his Sahih, Imam Ahmad in his Musnad, Abu Dawud in his Sunan and others.

[128] Narrated by Imam Ahmad in his Musnad, also in Sahih ibn Hibbaan of ibn Hibbaan and by others – the Muhahdith Shakir says that the Hadith is Sahih. The author has added in his original Arabic text that this is "agreed upon – متفق عليه". we say, that this is a mistake by the author, since this hadith was not narrated by al-Bukhari nor Muslim. And the term 'agreed upon' in hadith terminology is used exclusively for those ahadith which are narrated by both al-Bukhari and Muslim together. However, the author may have made this mistake, because this Hadith fulfills the conditions of both al-Bukhari and Muslim. And Allah knows best.

[129] Narrated by Muslim in this wording, also narrated by al-Bukhari, also narrated by ibn Majah and Imam Ahmad

This is because it is a command from the Prophet – blessings of Allah and peace be upon him – and following his commands is an obligation due to the saying of Allah, the Most High:

﴿وَمَآ ءَاتَىٰكُمُ ٱلرَّسُولُ فَخُذُوهُ﴾[130]

"And whatever the Messenger gives you, then take hold of it."

And due to His, the Most High's saying:

﴿مَّن يُطِعِ ٱلرَّسُولَ فَقَدۡ أَطَاعَ ٱللَّهَۖ﴾[131]

"*Whoever who obeys the Messenger, such has indeed obeyed Allah".*

And it is narrated from Ibn 'Umar – may Allah be pleased with him – who said: The Prophet – blessings of Allah and peace be upon him – said*:*

"Whoever dies without a binding Bay'ah, such has died a death of Jahiliyyah[132]

And in his saying: 'Maata meetatan Jahiliyyah (مات ميتة جاهلية)' the word (ميتة) is a noun that describes the mannerism/situation/state of something, i.e. died like the death from the people of Jahiliyyah (ignorance).

an-Nawawi said:

> *"I.e. in the manner of their death, in a state of chaos with no Imam for them"* End Quote[133]

al-Imam Muhammad bin 'Abdul Wahhab - may Allah have mercy on him – said in his book Masaa'il al Jahiliiyyah [Matters of Jahiliyyah] :

> *"The third: defying the leader and <u>not submitting to him was [considered] a superiority, and listening and obeying him was a humiliation and a disgrace</u>. So the messenger of Allah – blessings of Allah and peace be upon him – differed from them and ordered to be patient against the injustice of the leaders, <u>and commanded to listen and to obey them and to advice, and he was severe in it and warned of it, and repeated to command by it</u>"*. End Quote.[134]

[130] al-Hashr (59:7)

[131] an-Nisa (4:80)

[132] Narrated by Muslim in his Sahih

[133] See Sharh Muslim by an-Nawawi (v12-p238)

[134] See Masa'il al-Jahiliyyah (p7)

al-Hafidh ibn Hajar said:

> *"And the meaning of the death of al-Jahiliyyah, is that the state of the death is like the death of the people of al-Jahiliyyah upon misguidance, and without having an obeyed Imam for himself, because they didn't recognize that, and the intention of it is not that he dies as disbeliever, rather, that he dies while sinful."* End Quote. [135]

That is, whoever who dies without a Bay'ah dies sinful and upon misguidance. This is the saying of al-Hafidh ibn Hajar and not my saying, nor the saying of a soldier of the Islamic State.

And al-Imam al-Qurtubi said:

> "*If al-Imamah is established with the consensus of the ahl al-Hal wa al-Aqd or with one of them according to what has preceded, it is obligatory on everyone to give their pledge of allegiance to him upon listening and obedience and upon the implementation of the book of Allah and the Sunnah of his messenger – blessings of Allah and peace be upon him. And whoever refuses to give the pledge with an excuse, such is excused. And whoever refuses for other than an excuse, he is coerced and forced, so that the unity of the Muslims would not be split*". End Quote.[136]

And al-Imam ibn Hazm said in al-Fasl fi al-Milal:

> "*Indeed, the Messenger of Allah – blessings of Allah and peace be upon him - has stated the obligation of al-Imamah. And that it is not allowed to remain even one night without a Bay'ah. And he has ordered us with his clear saying on the obedience to one Qurayshi Imam. And not to dispute with him if he leads us as per the book of Allah, the most High*." End Quote [137]

And he has also said in al-Muhallaa :

> *"It is not allowed for a Muslim to spend two nights without having a binding Bay'ah to an Imam, due to what we have narrated from Muslim who narrated …[138] from Nafi'u who said: 'Umar said to me: " I heard the Messenger of Allah – blessings of Allah and peace be upon him say: 'Whoever removes a hand away from obedience, will meet Allah on the day of Judgment with no evidence for him. And whoever dies while he doesn't have a binding Bay'ah, such has died a death of Jahiliyyah' ".* End Quote.[139]

So it has been established from what has preceded that the Bay'ah is an immediate obligation[140], whoever who stays away from it, such is a sinful misguided person, who has Jahiliyyah in him.

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[135] See fath al-Bari (v7-p13)

[136] See Tafsir al-Qurtubi for the aayah (2:30) – (v1-p272)

[137] See al-Fasl fee al-Milal (v4-p84)

[138] Chain of narrators removed by author to make it short

[139] See al-Muhalla (v8-p420)

[140] Immediate obligations are obligations that are not allowed to be delayed and should be fulfilled as soon as it is required.

A questioner may ask:

Is shaking the hand a condition when giving the Bay'ah or not?

We answer: that shaking the hand in itself is not an obligation except if the Imam commands with it. If he does, it would be an obligation by way of obedience to the Imam.

As for in itself, then it is not an obligation, rather, it is only an increase in confirmation and reassurance upon the pledge.

Allah, the most High said regarding it:

﴿إِنَّ ٱلَّذِينَ يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ ٱللَّهَ يَدُ ٱللَّهِ فَوۡقَ أَيۡدِيهِمۡ﴾[141]

"Indeed, those who are giving you Bay'ah, they are only pledging Allah, Allah's hand is above their hands"

Ibn Khaldun said in his Muqaddimah:

> *"And when they used to give Bay'ah to the leader and agreed upon his rule, they placed their hands in his as a reassurance to the agreement. And that is similar to the actions of the seller and the buyer. And due to that it was called Bay'ah which is the root word of Baa'a (باع). And the Bay'ah became shaking the hands. And this is what it points to in the linguistic usage and legislative convention (Shar'ee definition)".* End Quote.[142]

And it is narrated by 'Aisha (may Allah be pleased with her) that she said:

> **"*No by Allah, the hands of the Messenger of Allah – blessings of Allah and peace be upon him – have never touched the hand of a woman[143] ever, he used to take their pledges of allegiance with their statements*"** agreed upon[144]

What is understood is that the men used to give their pledges with their hand.

an-Nawawi said in his explanation of Sahih Muslim:

> *"In it is evidence that the pledge of allegiance of women is verbally without taking their hands, and in it is evidence that the pledge of allegiance of men is with the taking of the hand along with their statements."* End Quote. [145]

[141] al-Fath (48:10)

[142] See al-Muqaddimah of ibn Khaldun (p217)

[143] This is referring to non-mahram women.

[144] Narrated by al-Bukhari, Muslim, Abu Daw'ud, an-Nasa'ii, Ibn Majah, and also by al-Bayhaqi.

[145] See Sharh al-Muslim by an-Nawawi (v13-p10)

And he also said:

> *"As for al-Bay'ah: The Scholars have agreed that it is not stipulated for its validity, for everyone to pledge allegiance, Nor all of the ahl al-Hal wa al-Aqd, What is stipulated is only the Bay'ah of those whom it is easy to gather from the scholars, the elders and the leaders of the people … and it is not obligatory for everyone to come to the Imam and place his hand upon his and pledge allegiance to him, what is required of him is … only submission, and not showing disagreement and not breaking the unity"*. End Quote.[146]

al-Imam al-Maziri said:

> *"It is sufficient for the Bay'ah of the Imam to happen from the ahl al-Hal wa al-Aqd and it is not required for everyone to do so. And it is not necessary for everyone to come to him and place their hands in his, rather sticking to obeying and submission to him is sufficient by not differing with him and not breaking the unity"* End quote.[147]

From what has preceded it is affirmed that the Bay'ah is a Shar'ee obligation which is not allowed for a Muslim to turn back on in any case.

And like how the Bay'ah and Jama'ah is a Shar'ee obligation, likewise it is a genuine necessity.

How is that?

Pledging allegiance to the Khalifah and uniting with him is a genuine necessity in numerous ways, from them:

- The fact that Muslims have not felt as honourable before, as they feel now after this Khilafah was established.
- Likewise, the religion of Allah has not been established in this age of ours as it was established under the shade of this Khilafah.
- Likewise, the enemies of Islam were not afflicted with such fear and terror ever, as they are afflicted with it in the shade of this Khilafah.
- Likewise, the doors of Hijra were not opened to this extent before like it is now opened in the shade of this Khilafah – for now, the Muhajireen (Emigrants) are migrating from every bend, direction and from deep mountain passes in delegations.
- And the religion of Allah was not apparent with this greatness and clarity in our times like how it is in the shade of the Khilafah

[146] See Sharh al-Muslim by an-Nawawi (v12-p77) – Paraphrased by author to make it short.

[147] See Al-Mu'lam bi fawaaid Muslim (v3-p18)

Ibn Rajab said in Jaam'iu al-'Uloom wa al-Hikam:

> *"As for Listening and obeying the leaders of the Muslims, in it is the happiness of the world. And by means of it, the interests of the people in their lives are organized. And to make their religion and obedience to their lord manifest, they seek assistance with it [listening and obedience]."* End Quote.[148]

So [I say] to all the Mujahideen in every place, fear Allah with regards to your Jihad. Fear Allah with regards to your Ummah. Because it is one Ummah and not multiple! Fear Allah with regards to the Khilafah which is an Islamic Obligation and a genuine necessity.

As for it being an Islamic obligation, it is enough for those with Eemaan (belief) to accept it and submit to it.

As for it being a genuine necessity, it is enough for those with minds to yield to it.

So for the people of faith and mind, these evidences and statements are sufficient for them. And Allah is witness over what I say.

All praise is to Allah, who enabled us to fulfil this obligation by giving Bay'ah (pledging allegiance) to the Khalifah Ibrahim bin Awwaad al-Qurayshi.

[148] See Jaam'iu al-'Uloom wa al-Hikam (v2-p767)

The fifth issue: Fighting those who refrain from giving the Bay'ah.

We have established in the previous studies that the Khilafah of ash-Shaykh Ibrahim bin Awwaad al-Qurayshi is valid because its conditions and fundamentals are fulfilled. And in the last study we have established the obligation upon all the Muslims in pledging allegiance to him. And we have stated that whoever refrains from giving the Bay'ah, such has committed a forbidden act, a disobedience and a sin based on the hadith:

> ***"Whoever who dies without a binding Bay'ah, such has died a death of Jahiliyyah (ignorance)"*** [149]

In this study we will talk about the ruling of those who reject submission - with listening and obedience – to the Imam.

Ibn Qudamah said in al-Muqhni:

> **Start Quote:**
>
> **((**Those who rebel against the authority of the Imam are of four categories:
>
> ***[The first category:]***
>
> *a people who refrained from obeying him, and rebelled against his authority without any interpretation. These are bandits, who go about in the lands corrupting it. Their ruling will come in a separate chapter.*
>
> ***The second [category:]***
>
> *a people who have a Ta'weel (an interpretation), except they are a small number, who have no power. Like one, two, ten or similar. About these people, [there is a difference of opinion]:*
>
> > ***[The first view****: is that they are] bandits according to the view of the majority of our companions, and it is also the Madhhab of ash-Shafi'ee.*
> >
> > - *This is because when ibn Muljim injured 'Ali, Ali said to al-Hassan: 'If I recover, I would decide about him. And if I die then do not make an example out of him.' This is because the ruling of rebellion was not established upon what he did.*
> > - *And because if we were to establish the ruling of rebels upon a small number of people, the liability of what they damaged is dropped, and leads to the destruction of the property of the people.*
> >
> > ***[The Second View :]*** *and Abu Bakr said: There is no difference between many and few. Their ruling is the ruling of rebels if they rebelled against the authority of the Imam.*

[149] See footnote 132

The Third Category:

The Khawarij, who make Takfeer based on sins. And make Takfeer on 'Uthman, 'Ali, Talha and az-Zubair, and many of the Sahabah. And they make the blood of the Muslims and their property permissible, except those who rebel along with them.

[Scholars differed regarding their ruling to two views:]

> ***[The first view**:] The apparent view of Fuqaha (jurists) from our contemporaries is that they are rebels and that their ruling is the same as their ruling.*[150] *This is the view of Abu Haneefa, ash-Shafi'ee, the majority of the Jurists, and many of the people of Hadith (i.e. Muhahditheen). And Malik views that they should be forced to repent and they have the choice of repentance. If not they are killed due to their corruption, not due to disbelief.*
>
> ***[The second view:]** A group of scholars from the people of Hadith view that the Khawaarijs are apostates, and that their ruling is the ruling of apostates. And that their blood and property is permissible. And if they settled in a place and they had power and strength, they are considered people of war like the rest of the disbelievers. And if they were within the grasp of the Imam, they are forced to repent like the rest of the apostates. And they have the choice of repenting. If they don't, their necks are struck and their property is considered booty. It is not inherited by their inheritors from the Muslims.*

The Fourth Category:

a people from the people of the truth, who rebel against the authority of the Imam, who wish to remove him for a reasonable Ta'weel (misinterpretation) who have power which requires the formation of an army to stop them. These are the rebels whose ruling we would mention in this chapter. **)) End Quote**.[151]

And in our study we are talking about the ruling of this category, i.e. about fighting those who refrain from giving the Bay'ah, with the capability to fight them. And as we talk about it in this section, we know that many of the noses would turn red [i.e. become furious], however the truth is more befitting to be followed.

[150] i.e. The ruling of the Khariijites/Khawaarijs is the same as the ruling of rebels.

[151] See al-Muqhni by Ibn Qudamah (v8-p523-526). Paraphrased by author to bring clarity to subject matter. And also to make it short. The words in [ ] brackets are added by author. The dotted section …. Shows that this section was removed by author to make it short.

For, we have pledged allegiance upon stating the truth wherever it may be. We do not fear any blame from any blamer in the path of Allah.

It is reported from 'Ubadah bin as-Samit – may Allah be pleased with him – who said:

> ***"We pledged allegiance to the Messenger of Allah – blessings of Allah and peace be upon him – ……. and upon stating the truth wherever it may be without fearing the blame of any blamer"*** [152]

And He, the Most High said:

﴿ٱلَّذِينَ يُبَلِّغُونَ رِسَٰلَٰتِ ٱللَّهِ وَيَخۡشَوۡنَهُۥ وَلَا يَخۡشَوۡنَ أَحَدًا إِلَّا ٱللَّهَۗ وَكَفَىٰ بِٱللَّهِ حَسِيبًا ٣٩﴾ [153]

> ***Those who convey the Message of Allah and fear Him, and fear none save Allah. And Sufficient is Allah as a Reckoner.***

And Imam Ahmad narrated with his chain of narrators from Abu Sa'eed al-Khudry – may Allah be pleased with him - who said: The Messenger of Allah – blessings of Allah and peace be upon him – said:

> ***"No one from you should belittle himself [by not speaking] if he sees something concerning which he should speak about for the sake of Allah. So it would be said to him on the Day of Resurrection: 'What prevented you from speaking about it?' And he would say: 'O my lord, it was fear of people'. He [Allah, the Most High] will say: "Rather, I was more befitting for you to fear' "*** [154]

Due to that, it is obligatory for me to state what I consider to be religion regarding fighting those who refrain from giving the Bay'ah to the Imam. So whoever doesn't like what I say, then let him respond to the evidence with evidence, and not with [mere] sayings [of others] and what is said, nor with crying and lamenting with grief, and nor by sanctifying men while abandoning the Tanzeel [i.e. the Qur'an and Sunnah]

Here I start to state my view take on the issue:

The Islamic State fought people of all these categories. The State fought the first category who were bandits causing corruption in the land. And it fought the third category and they are the Kharijites – and all of that is clear and known to even those who are far-away and to those who are close, and also known to the enemy and to those beloved. As for the second category which is also the fourth category – they are the rebels, and they are divided into two groups:

The first group: Those that rebel against the authority of the Imam and wish for his removal for a reasonable Ta'weel (interpretation).

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[152] Narrated by al-Bukhari, the author has mentioned the hadith by making it short, and restricting it to what is necessary. Restricting to the citation required is approved and is considered as narrating in meaning, which was employed by al-Bukhari extensively in his Saheeh. The same hadith is also narrated by Muslim, an-Nasa'ii, Imam Malik, Imam Ahmad, ibn Majah and ibn Hibban and others.

[153] al-Ahzab (33:39)

[154] Narrated by Ahmad, with multiple similar narrations, some of which are authentic. Also narrated by Ibn Majah and at-Tirimidhi

The second group: Those that refuse to give the Bay'ah - upon listening and obedience - to the Imam, and they possess power.

al-Imam ibn al-'Arabi said in the Tafsir of the Aayah:

﴿فَإِنۢ بَغَتۡ إِحۡدَىٰهُمَا عَلَى ٱلۡأُخۡرَىٰ﴾[155]

"if one of the two [groups], rebels against the other"[156]

[Start Quote]

> ***"[al-Baagi – the Rebel]*** *is the one who rebels against the Imam wanting to remove him, or one who refuses to enter into the obedience of the Imam."* [157]

[End Quote]

Mu'awiyah's group were rebels against the Khilafah of 'Ali bin Abi Talib, because they refused to give Bay'ah except with the condition of killing those who killed 'Uthman!

at-Tahir bin 'Aashoor has narrated ibn al-'Arabi's saying:

> "*Talha and az-Zubair were of the view that starting with the killing of those who killed 'Uthman was more befitting. However, the Scholars have established that the rebellion was on the part of the companions of Mu'awiyah because the Bay'ah for al-Khilafah doesn't concede to being restricted by any conditions"* [158]

So the Islamic State fought the first category from the rebels in the first incidents in Sham. As for the second category of the rebels, then the Islamic State has not fought them to this very day. However, can this category be fought?

This is the part which we would study – with the permission of Allah – the most High:

The correct opinion is that whoever rebels and refrains from giving the pledge of allegiance to the Khalifah, he would be fought till he returns to the command of Allah and sticks to listening and obedience.

Ibn Qudamah said regarding rebels:

> *"(That) the Aayah expresses the permissibility of fighting everyone who refrains from giving him any of his rights … So anyone, who's Imamah is established, obedience to him becomes an obligation. And rebelling and fighting against him becomes forbidden. This is due to the saying of Allah, the Most High:* ***{O you who believe! Obey Allah and obey the Messenger, and those among you in authority}***

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[155] al-Hujurat (49:9)

[156] Could also be translated as "If one of the two [groups], transgresses against the other" or "Wrongs the other"

[157] See ahkaam al-Qur'an by ibn al-'Arabi (v4-p153) or the tafseer of the Aayah itself. The [ ] potion is added by author for flow and continuation.

[158] See at-Tahreer wa at-Tanwer (v26-p206

> *And it is narrated by 'Ubadah bin as-Samit who said:* ***{We pledged allegiance to the Messenger of Allah – blessings of Allah and peace be upon him – upon listening and obedience in times of ease and difficulty, and that we would not dispute with those in authority.}***[159]
>
> *And it is narrated that the Prophet – blessings of Allah and peace be upon him –said:* ***{One who rebels against obedience, and breaks away from the Jama'ah and dies in that state, then his death is in Jahiliyyah (ignorance). }***[160] *It was narrated by ibn Abdul Barr, from the hadith of Abu Huraira, Abu Dhar, and Ibn Abbas. All of which are of the same meaning.*
>
> *And the Sahabah – may Allah be pleased with them all – they have agreed upon fighting against the rebels. Indeed, Abu Bakr – may Allah be pleased with him – fought against those who denied to give Zakah. And 'Ali – may Allah be pleased with him – fought the people of the Camel and Siffin and the people of an-Nahrawaan."* End Quote.[161]

Rather, even if those who refrained from Bay'ah had no power, they are commanded to listen and obey. And if they continued upon rejecting it, they are fought so that they will not acquire power by which they would rebel against the Imam.

Ibn Qudamah said:

> *"It is not allowed for some of the Muslims to abandon obedience to the Imam. And the strength of their power is not left alone, which would lead to defeating the righteous Imam and those with him. Thereafter, if it is possible for him to repel them without a battle, fighting them would not be allowed, because the purpose is it to repel them back to their people. And because if the purpose can be attained without fighting, killing for no need is not allowed." End Quote.*[162]

The groups and organisations that are in the field, are hurrying to appoint a Khalifah in the wake of an existing Qurayshi Khalifah. All of that is with many Ta'weels (interpretations) and different Istihsaanats (their personal opinions)

al-Imam Muslim has indeed narrated from 'Arfajah who said:

> ***"I heard the messenger of Allah – blessings of Allah and peace be upon him) say: "Indeed a lot of evil and corruption would soon become manifest. So whoever that wants to split the unity of the Ummah after it is united, then strike him with the sword regardless of who it is"****.*[163]

Due to that, it is obligatory upon the Imam to force the one who refrains from Bay'ah even if it is by fighting them, if he has the ability to fight those who refrain. This is due to the following:

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[159] Authentic narration. Its details have preceded.

[160] Authentic narration. Its details have preceded.

[161] See al-Muqhni (v5-p523) – paraphrased by author to make it short.

[162] See al-Muqhni (v8-p528) – paraphrased by author to make it short.

[163] Narrated by Muslim, Abu Dawud, Nasa'ii and Imam Ahmad.

❖ **From what we have stated earlier, those who refrain from Bay'ah are sinful and disobedient and committing a great evil.**

The obligation upon the Imam is to remove the evil and we know the reason why the Children of Isra'il (Banu Isra'il) were cursed. Because*:*

﴿كَانُوا لَا يَتَنَاهَوْنَ عَنْ مُنكَرٍ فَعَلُوهُ﴾[164]

[Because] : ***"They used not to forbid one another from the evils which they committed".***

And it has been narrated authentically from the Prophet – blessings of Allah and peace be upon him – that he said:

> ***"Whoever amongst you who sees an evil, then let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart. And that is the weakest of Faith."*** [165]

So removing the evil with the hand, when capable, is an obligatory matter. And that is especially in the case of the Imam.

al-Imam Abu Bakr al-Jassaas said:

> *"Commanding good and forbidding evil – it has two situations:*
>
> *A situation in which it is possible to change the evil and remove it. In such a case it is an obligation upon one who is able to remove that with his hand to remove it. And its removal with the hand could be in many ways; from them:*
>
> *[In the case] if it is not possible to remove except by way of the sword and by coming upon the soul of one who commits the evil - he should do that. Like one who sees a man who intends to kill him or another person, or intends to take another's property, or intends to fornicate with a woman or something similar to that; and he knows that this person would not stop even if he is warned with words, or even if he is fought without weapons, then it is upon him to kill such a person ... This is based on the saying of the Prophet – blessings of Allah and peace be upon him: (Whoever amongst you who sees an evil, then let him change it with his hand) … So if he is not able to change it with his hand except by killing the one who does this evil, then he should kill him, as an obligation upon him."* [166]

al-Qadi Abu Bakr ibn al-'Arabi said:

> *"And if he is not able [to remove evil] except by fighting, and using weapons. Then let him leave him. That is because doing so is only upon the ruler".* End Quote.[167]

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[164] al-Ma'idha (5:79)

[165] Narrated by Muslim, an-Nasa'ii, Abu Dawud, ibn Majah, at-Tirmidhi, Ahmad and others.

[166] See ahkaam al-Quran by ah-Jassaas (v2-p317) – paraphrased.

[167] See Ahkaam al-Quran by ibn al-'Arabi (v1-p383)

And al-Imam an-Nawawi said:

> *"Imam al-Haramain [al-Juwainee] – may Allah have mercy on him – said: It is justified for one among the subjects to push away the one who commits a major sin if he isn't prevented from it by using his words – as long as the matter doesn't end up in battle and drawing the weapons. And if the matter reaches that. Then dealing with the matter falls upon the leader."* End Quote.[168]

And ash-Shawkani said:

> *"However, he should start with admonishing with soft words, and if that doesn't affect him, then he comes with harsh words, and if that doesn't affect him, he goes to change it with his hands, and thereafter to fighting – that is if he is not able to change it except with fighting."* End Quote. [169]

So, if it is not possible to remove the evil except by fighting, then it is obligatory upon the leader to remove it by fighting. And this is what is needed and not what is desired – so take care [to understand this].

And this is exactly what the Khalifah 'Ali bin Abi Talib applied upon those who rejected to pledge Allegiance to him - After having tried to remove this evil by the tongue. Thereafter he switched to removing it by fighting. And the following are some examples.

- **'Ali bin Abi Talib fighting against the people of ash-Sham when they refrained from giving Bay'ah**

al-Hafidh ibn Kathir said in al-Bidayah wa an-Nihayah:

> *((Thereafter, the year 36 from Hijra started. This year started with the appointment of 'Ali bin Abi Talib as the Khalifah. ... And he appointed representatives upon the various lands. And he appointed Sahl bin Hunaif upon ash-Sham instead of Mu'awiyah, and he went to it till he reached Tabuk where he met with the cavalrymen of Mu'awiyah and they asked him: Who are you?*
>
> *So he replied: An Emir (a governor/a leader)*
> *They asked: Over what thing?*
> *He said: Over ash-Sham*
> *So they said: If it was 'Uthman who had sent you then go forth. And if it was another besides him who sent you, then return.*
> *So he said: Haven't you heard of what had happened?* [170]
> *They said: Indeed! [we have].*
> *So he returned to 'Ali. ….*

[168] See sharh Sahih Muslim by Imam an-Nawawi (v2-p25)
[169] See as-Sayl al-Jaraar by ash-Shawkani (p982)
[170] This is in reference to the appointment of 'Ali as the new Khalifahh.

> *So 'Ali – may Allah be pleased with him – determined to fight the people of ash-Sham. And he wrote to Qays bin Sa'd who was in Egypt commanding him to send the people to fight them. …*
>
> *And [he wrote] to Abu Musa who was in al-Kufa, and he also sent to 'Uthman bin Hunaif with the same order, and he gave a sermon to the people encouraging them upon that. …*
>
> *And he determined to get ready. And he went out of al-Madinah appointing Qutham bin al-Abbas to watch over it. <u>And he was determined to fight along with those who obeyed him, against those who disobeyed him and rebelled against him and refrained from pledging allegiance to him along with the people</u>. Al-Hassan bin 'Ali came to him and said: 'O my beloved father, leave this! For in it is spilling the blood of the Muslims, and differences occurring between them' However 'Ali didn't accept that from al-Hassan. Rather he made his mind up upon fighting, and he arranged his army. … and no one [from the army] remained back in al-Madinah and they all went out of al-Madinah intending to go to ash-Sham, till something came to him that made him preoccupied from all of that.*[171]***)) End Quote.*** [172]

This is 'Ali bin Abi Talib who was determined to fight against the people of ash-Sham due to their refusal to give the Bay'ah. And this is clear in the statement of ibn Kathir:

> "*<u>And he was determined to fight along with those who obeyed him, against those who disobeyed him and rebelled against him and refrained from pledging allegiance along with the people</u>".* End Quote. [173]

And al-Imam ibn al-'Arabi said:

> *"'Ali fought against a group that refused to enter into a pledge of allegiance with him, and they are the people of ash-Sham (the Levant)".* End Quote. [174]

❖ **And likewise the compulsion of 'Ali bin Abi Talib upon Talha and az-Zubair upon the Bay'ah.**

Likewise, Talha and az-Zubair. Ibn Kathir mentions in his book on History, that each one from them answered, when they were asked:

> *"'Didn't you give your Bay'ah to 'Ali?' He said: 'Indeed, when the Sword was upon my neck' ". End Quote.*[175]

Likewise, Ibn Kathir mentioned that Ka'b bin Soor al-Qadi came to al-Madinah on Friday, and he stood amongst the people and asked them:

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[171] That is the news of the people of the Camel, lead by the mother of the Believers 'Aisha, Talha and az-Zubair – who had gone to al-Basrah to gather strength which would help them force 'Ali to succumb to their demands. May Allah be pleased with them all.

[172] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p429-431) – Summarised by Author.

[173] al-Bidayah wa an-Nihayah (v10-p430)

[174] See ahkaam al-Qur'an by ibn al-'Arabi (v4-p153)

[175] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p434)

> *"So he came to al-Madinah on Friday, and stood amongst the people and asked them: Did Talha and az-Zubair give Bay'ah willingly or forcefully? The people stayed silent and no one spoke except Usamah bin Zayd, who said: 'Rather, they were both forced'."* End Quote.[176]

Rather, 'Ali wrote to 'Uthman bin Hunaif on the very same point regarding Talha and az-Zubair's matter:

> *"And 'Ali wrote to 'Uthman bin Hunaif saying: Indeed, they both were not forced upon division. They were forced upon unity and goodness. And if they were wanting the removal [of the Khalifah], then there is no excuse for them both. And if they were wanting a view other than that, we also have a view".* End Quote. [177]

So 'Ali confirmed that he had forced them upon giving the Bay'ah and upon unity. And this is what is correct, that is, whoever who refuses to give the Bay'ah, he is forced upon it.

- **Likewise, 'Ali bin Abi Talib fighting against the people of a village (Khiribta) in Egypt when they refused to give the Bay'ah.**

al-Hafidh ibn Kathir said:

> *"Qays bin Sa'd stood and gave a sermon to the people and called them to give the Bay'ah to 'Ali, and the people stood and gave the pledge of allegiance to him. Obedience to him was established in Egypt except in a village from it which was called Khiribta. There were people in it who made the killing of 'Uthman something severe. These people were amongst their elders and leaders. These people numbered to approximately ten thousand. … Their leader was a man named: Yazeed bin al-Harith al-Mudlaji."* End Quote. [178]

So, the Village of Khiribta refrained from giving the Bay'ah because they possessed strength, so what did 'Ali do with them?

al-Hafidh ibn Kathir said:

> *" 'Ali wrote to Qays bin Sa'd*[179] *commanding him to battle the people of Khiribta who refrained from giving the Bay'ah. So he replied giving the excuse that they were a great number and that these people were the leaders of the people"* End Quote. [180]

'Ali ordered Qays bin Sa'd to fight them, he refrained for no reason except that he lacked the power to do so, because their number was great and because they were the leaders of the people.

So in this, there is evidence for the permissibility of fighting – with the ability to do so - against those who refrain from giving the Bay'ah. And this is exact intention of this study.

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[176] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p437)
[177] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p437)
[178] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p487)
[179] Rephrased by author for clarity – Actual wording is وكتب إليه- which means: and he wrote to him
[180] See al-Bidayah wa an-Nihayah by Ibn Kathir (v10-p489)

And al-Imam al-Qurtubi stated that and said:

> "*If al-Imamah is established with the consensus of the ahl al-Hal wa al-Aqd or with one of them according to what has preceded, it is obligatory on everyone to give their pledge of allegiance to him upon listening and obedience and upon the implementation of the book of Allah and the Sunnah of his Messenger – blessings of Allah and peace be upon him. And whoever refuses to give the pledge with an excuse, such is excused. And whoever who refuses for other than an excuse, he is coerced and forced, so that the unity of the Muslims would not be split".* End Quote.[181]

He also said, regarding those who disobeyed and rebelled against the obedience of the Imam:

> *"The Imam should call them before that [i.e.before fighting] to obedience and to return to the Jama'ah (i.e. unity), and if they refuse to return and make peace, then they are fought."* End Quote. [182]

So fighting this category is due to their rebellion and for refusing to enter into the obedience and for refusing to return back to the Jama'ah. And not due to their disbelief. And if they had a reasonable Ta'weel (interpretation) then they would not be sinful.

al-Hafidh Ibn Hajar said:

> *"and the meaning of the death of al-Jahiliyyah, is that the state of the death is like the death of the people of al-Jahiliyyah upon misguidance, and without having an obeyed Imam for himself, because they didn't recognize that, and the intention of it is not that he dies as disbeliever, rather, that he dies while sinful."* End Quote.[183]

Thereafter, we have indeed mentioned what 'Ali bin Abi Talib did regarding those who refused to give the Bay'ah to him, because Ijma' (consensus) has been attained upon the correctness of 'Ali bin Abi Talib, and also in ruling that those who disputed with him were indeed rebels.

However, we consider it religion for the sake of Allah, that the Sahabah didn't dispute regarding the Bay'ah of 'Ali bin Abi Talib to seek leadership and rule. They are far away from such! That is the case, even if they refrained from the Bay'ah till retribution was taken from those who killed 'Uthman and intended a conditional Bay'ah, and were mistaken in it. And 'Ali fought against them for unity. And he was the one who was correct.

[181] See tafsir al-Qurtubi (v1-p272) the Tafsir of the Aayah (2:30)

[182] See Tafsir al-Qurtubi (v16-p320) for the Aayah (49:9

[183] See fath al-Bari (v7-p13)

al-Qadi ibn al-Arabi said:

> *"When he was given Bay'ah, the people of ash-Sham sought in their condition for Bay'ah to give them power over those who killed 'Uthman to take revenge from them.*
>
> *So 'Ali said to them: Enter into the Bay'ah. And seek the truth then you would reach it.*
>
> *So they said: You do not deserve a Bay'ah when the killers of 'Uthman are with you. We seek them day and night!*
>
> *'Ali was more rightly guided in his opinion regarding that. And he was more correct in his view."*
>
> End Quote.[184]

Muhammad Hassan 'Abdul Ghafir said in his Sharh of Usool I'thiqaad ahlu as-Sunnah: [185]

> *"And as for Mu'awiyah, he didn't give Bay'ah till he stipulated a condition. And he didn't dispute regarding the Khilafah. However, he stipulated taking revenge from those who killed 'Uthman – may Allah be pleased with him and may he please Him – And we would [later on] explain that Mu'awiyah wasn't correct. He had made an Ijtihad and made a mistake so he has a reward – may Allah be pleased with him and may he please Him – and 'Ali bin Abi Talib made an Ijtihad and he was correct so he has two rewards".* End Quote.[186]

And he also said stating the correctness of what 'Ali did:

> "*He said: The Messenger of Allah – blessings of Allah and peace be upon him – said: (Woe be upon 'Ammar, He would be killed by the rebellious group), Therefore, 'Ammar would be with group which is upon the truth. Rather, it has come clearly in some of the Aathar and Ahadith that the Prophet – blessings of Allah and peace be upon him – said: (Wherever the truth is, 'Ammar would be there). This is another evidence that 'Ali was upon the truth. This is because 'Ammar was with 'Ali – may Allah be pleased with him and may he please Him. And 'Ammar was killed in the battle of Siffeen that occurred between the army of 'Ali and the army of Mu'awiyah. [And the man who killed 'Ammar entered {upon Mu'awiyah and his commanders} and said: I have killed 'Ammar and this is his spoils". So 'Abdullah bin 'Amr bin al-'Aas said: Have good tidings of Hell! (For indeed the Prophet – blessings of Allah and peace be upon him has indeed given the tidings of Hell for one who kills Ibn Sumaiyyah!) Thereafter he stated that the Prophet – blessings of Allah and peace be upon him – said: (**Woe be upon 'Ammar! He would be killed by the rebellious group**).]*[187]*This led to many of those in the army*

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[184] See ahkaam al-Qur'an (v4-p150)

[185] The author has mistakenly attributed the following quote and the subsequent quote to Imam Abu al-Qasim Hibathullah al-Laali'kaa'ee, but this is not correct. Because the reference book of Imam Abu al-Qasim is only a book of narrations which includes what the ahlu as-Sunnah believe. And the text that he has taken was found in a Sharh or an explanation of the book by Muhammad Hassan 'Abdul Ghafir. And Allah knows best.

[186] See Sharh Usool I'thiqaad ahl as-Sunnah by Muhammad Hassan 'Abdul Ghafir (see transcript of the audio lessons, lesson number 70, page 6)

[187] The author has chosen to remove this section in [ ] brackets, while paraphrasing to summarise. However, seeing the benefit of keeping it, the translator chose to included it.

> *of ash-Sham to go and give their Bay'ah to 'Ali. This is because they knew that the truth was with 'Ali. So Mu'awiyah couldn't do anything except say: He was killed by those who had brought him out! i.e. to mean 'Ali. So 'Ali bin Abi Talib responded with his sound understanding: If so, Muhammad killed Hamzah because he was the one who brought him out to Uhud!"* End Quote.[188]

Having reached this, it would be that we have completed this series regarding the matter of the Khilafah in general, and the matter of the Khilafah of Abu Bakr al-Qurayshi al-Baghdadi. And we have established its validity, and the obligation of pledging allegiance (giving Bay'ah) to him. And we have established the obligation of fighting against those who refrain from giving Bay'ah, with the capability to fight them.

O Allah, whatever that is correct in this is from Allah alone, and whatever errors it may contain is from my own self and the devil. O Allah, bless us with justice in disputes, and mercy upon the Muslims, and severity upon the disbelievers, O the most generous among those who are generous!

Written by one who hopes for the mercy of His Lord, the Most High:

Abu AbdurRahman Raed al-Libi

Saturday, 6th of Rajab 1436H.
Corresponding to: 25th of April 2015.

[188] See Sharh Usool I'thiqaad ahl as-Sunnah by Muhammad Hassan 'Abdul Ghafir (see transcript of audio lessons, lesson number 70, page 12)

References

Qur'an

The books of Ahadith (Sahih al-Bukhari, Sahih Muslim, Sunan Abu Nasa'I, Sunan Abi Dawud, Jami' at-Tirmidhi, Sunan ibn Majah, Musnad Imam Ahmad, Sahih ibn Hibban etc).

Books by Scholars, from which citations are made in the Book:

1. Al-Umm by Imam ash-Shafi'ee
2. Ar-Risalah by Imam ash-Shafi'ee
3. Jami'u al-Bayaan fee Ta'weel al-Qur'an – Tafsir at-Tabari, al-Imam Ibn Jarir at-Tabari
4. Ahkaam al-Qur'an by Imam al-Jassaas
5. Ma'aalim as-Sunan, al-Khattabi
6. Sharh Sahih al-Bukhari – ibn Battal
7. Al-Akhaam as-Sultaniyyah – al-Mawardee
8. Al-Fasl fi al-Milal wa al-Ahwa wa an-Nihal – Ibn Hazm
9. Al-Muhallaa – Ibn Hazm
10. Al-Akhaam as-Sultaniyyah – Abu Ya'la al-Farra'a
11. Al-Qhiyaasee – al-Imam al-Haramin al-Juwainee
12. Al-Mabsoot – as- Sarakhsi
13. Ahkaam al-Qur'an – ibn al-'Arabi
14. Al-Mi'lam bi fawaaid Muslim – Al-Maziri
15. Al-Muqhni – ibn Qudamah
16. Mukhtaar as-Sihah – ibn abdul Qadir ar-Razi
17. al-Jam'iu li ahkaam al-Qur'an – Tafsir al-Qurtubi, Imam al-Qurtubi
18. Rawdah at-Taalibeen wa Umdah al-Mufteen – an-Nawawi
19. al-Minhaaj Sharh Muslim – an-Nawawi
20. Lisaan al-Arab – ibn Manzur
21. As-Siyaasah ash-Shar'iyyah – Ibn Taymiyah
22. Minhaj as-Sunnah an-Nabawiyyah – ibn Taymiyyah
23. Al-Bidayah wa an-Nihayah – ibn Kathir
24. Tafsir al-Qur'an al-Adheem – Tafsir ibn Kathir
25. Jam'iu al-Uloom wa al-Hikam – ibn Rajab al-Hanbali
26. Fath al-Bari Sharh Sahih al-Bukhari – ibn Hajar al-'Asqalani
27. As-Sawaa'iq al-Muharrafah – Shihab ad-Deen Abu al-Abbas ibn Hajar as-Sa'dee
28. At-Tahbeer sharh At-Tahreer fee Usool al-Fiqh – al-Mardaawee
29. As-Sail al-Jarraar – ash-Shawkaanee
30. Adwaa'u al-Bayaan – ash-Shanqeety
31. At-Tahreer wa at-Tanweer – ibn 'Aashoor
32. Muqaddimah ibn Khaldun – ibn Khaldun
33. Sharh Usool I'tiqaad ahlu as-Sunnah wa al-Jama'ah – Muhammad Hassan Abdul Ghafaar

To see the full Arabic Titles of the books, the authors name, the Publisher information, and the year of publication which were used to verify the quotes presented by the author, please see the list below [all of these books except al-Muqaddimah by ibn Khaldun are available on the software al-Maktabah ash-Shamela – can be downloaded from shamela.ws]

#	اسم الكتاب Title	اسم المؤلف (سنة الوفاة) Author (Year of Death)	دار النشر والطبعة Publisher	تاريخ الطبعة Published on
01	الأم	الشافعي أبو عبد الله محمد بن إدريس المطلبي القرشي المكي (المتوفى: 204هـ)	دار المعرفة – بيروت	1410هـ/1990م
02	الرسالة	الشافعي أبو عبد الله محمد بن إدريس المطلبي القرشي المكي (المتوفى: 204هـ)	مكتبه الحلبي، مصر	الأولى، 1358هـ/1940م
03	جامع البيان في تأويل القرآن	محمد بن جرير الآملي، أبو جعفر الطبري (المتوفى: 310هـ)	مؤسسة الرسالة	الأولى، 1420 هـ – 2000 م
04	أحكام القرآن	أحمد بن علي أبو بكر الرازي الجصاص الحنفي (المتوفى: 370هـ)	دار الكتب العلمية بيروت – لبنان	الأولى، 1415هـ/1994م
05	معالم السنن، وهو شرح سنن أبي داود	أبو سليمان حمد بن محمد الخطاب البستي المعروف بالخطابي (المتوفى: 388هـ)	المطبعة العلمية – حلب	الأولى 1351 هـ – 1932 م
06	شرح صحيح البخارى لابن بطال	ابن بطال أبو الحسن علي بن خلف بن عبد الملك (المتوفى: 449هـ)	مكتبة الرشد – السعودية، الرياض	الثانية، 1423هـ – 2003م
07	الأحكام السلطانية	أبو الحسن علي بن محمد البصري البغدادي، الشهير بالماوردي (المتوفى: 450هـ)	دار الحديث – القاهرة	–
08	الفصل في الملل والأهواء والنحل	أبو محمد علي بن أحمد بن سعيد بن حزم الأندلسي القرطبي الظاهري (المتوفى: 456هـ)	مكتبة الخانجي – القاهرة	–
09	المحلى بالآثار	أبو محمد علي بن أحمد بن سعيد بن حزم الأندلسي القرطبي الظاهري (المتوفى: 456هـ)	دار الفكر – بيروت	–
10	الأحكام السلطانية للفراء	القاضي أبو يعلى ، محمد بن الحسين بن محمد بن خلف ابن الفراء (المتوفى : 458هـ)	دار الكتب العلمية – بيروت ، لبنان	الثانية ، 1421 هـ – 2000 م
11	الغياثي غياث الأمم في التياث الظلم	عبد الملك بن عبد الله الجويني، أبو المعالي، ركن الدين، الملقب بإمام الحرمين (المتوفى: 478هـ)	مكتبة إمام الحرمين	الثانية، 1401هـ
12	المبسوط	محمد بن أحمد بن أبي سهل شمس الأئمة السرخسي (المتوفى: 483هـ)	دار المعرفة – بيروت	1414هـ – 1993م
13	أحكام القرآن	القاضي محمد بن عبد الله أبو بكر بن العربي المعافري الاشبيلي المالكي (المتوفى: 543هـ)	دار الكتب العلمية، بيروت – لبنان	الثالثة، 1424 هـ – 2003 م
14	المُعلم بفوائد مسلم	أبو عبد الله محمد بن علي بن عمر التَّمِيمي المازري المالكي (المتوفى: 536هـ)	الدار التونسية للنشر	الثانية، 1988 م، والجزء الثالث صدر بتاريخ 1991م.
15	المغني لابن قدامة	أبو محمد موفق الدين عبد الله بن أحمد الشهير بابن قدامة المقدسي (المتوفى: 620هـ)	مكتبة القاهرة	1388هـ – 1968م
16	مختار الصحاح	زين الدين أبو عبد الله محمد بن أبي بكر بن عبد القادر الحنفي الرازي (المتوفى: 666هـ)	المكتبة العصرية – الدار النموذجية، بيروت – صيدا	الخامسة، 1420هـ / 1999م

17	الجامع لأحكام القرآن = تفسير القرطبي	أبو عبد الله محمد بن أحمد بن أبي بكر بن فرح الأنصاري الخزرجي شمس الدين القرطبي (المتوفى: 671هـ)	دار الكتب المصرية – القاهرة	الثانية، 1384هـ – 1964 م
18	روضة الطالبين وعمدة المفتين	أبو زكريا محيي الدين يحيى بن شرف النووي (المتوفى: 676هـ)	المكتب الإسلامي، بيروت– دمشق– عمان	الثالثة، 1412هـ / 1991م
19	المنهاج شرح صحيح مسلم بن الحجاج	أبو زكريا محيي الدين يحيى بن شرف النووي (المتوفى: 676هـ)	دار إحياء التراث العربي – بيروت	الثانية، 1392
20	لسان العرب	محمد بن مكرم بن على، أبو الفضل، جمال الدين ابن منظور الأنصاري الرويفعى الإفريقى (المتوفى: 711هـ)	دار صادر – بيروت	الثالثة – 1414 هـ
21	السياسة الشرعية	تقي الدين أبو العباس أحمد بن عبد الحليم ابن تيمية الحراني الحنبلي الدمشقي (المتوفى: 728هـ)	وزارة الشئون الإسلامية والأوقاف والدعوة والإرشاد – المملكة العربية السعودية	الأولى، 1418هـ
22	منهاج السنة النبوية في نقض كلام الشيعة القدرية	تقي الدين أبو العباس أحمد بن عبد الحليمابن تيمية الحراني الحنبلي الدمشقي (المتوفى: 728هـ)	جامعة الإمام محمد بن سعود الإسلامية	الأولى، 1406 هـ – 1986 م
23	البداية والنهاية	أبو الفداء إسماعيل بن عمر بن كثير القرشي البصري ثم الدمشقي (المتوفى: 774هـ)	دار هجر للطباعة والنشر والتوزيع والإعلان	1424هـ / 2003م
24	تفسير القرآن العظيم	أبو الفداء إسماعيل بن عمر بن كثير القرشي البصري ثم الدمشقي (المتوفى: 774هـ)	دار طيبة للنشر والتوزيع	الثانية 1420هـ – 1999 م
25	جامع العلوم والحكم في شرح خمسين حديثاً من جوامع الكلم	زين الدين عبد الرحمن بن أحمد بن رجب بن الحسن، السَلامي، البغدادي، ثم الدمشقي، الحنبلي (المتوفى: 795هـ)	دار السلام للطباعة والنشر والتوزيع	الثانية، 1424 هـ – 2004 م
26	فتح الباري شرح صحيح البخاري	أحمد بن علي بن حجر أبو الفضل العسقلاني الشافعي 852هـ	دار المعرفة – بيروت، 1379	–
27	التحبير شرح التحرير في أصول الفقه	علاء الدين أبو الحسن علي بن سليمان المرداوي الدمشقي الصالحي الحنبلي (المتوفى: 885هـ)	مكتبة الرشد – السعودية / الرياض	الأولى، 1421هـ – 2000م
28	الصواعق المحرقة على أهل الرفض والضلال والزندقة	ابن حجر الهيتمي السعدي الأنصاري، شهاب الدين شيخ الإسلام، أبو العباس (المتوفى: 974هـ)	مؤسسة الرسالة – لبنان	الأولى، 1417هـ – 1997م
29	السيل الجرار المتدفق على حدائق الأزهار	محمد بن علي بن محمد بن عبد الله الشوكاني اليمني (المتوفى: 1250هـ)	دار ابن حزم	الطبعة الأولى
30	أضواء البيان في إيضاح القرآن بالقرآن	محمد الأمين بن محمد المختار بن عبد القادر الجكني الشنقيطي (المتوفى : 1393هـ)	دار الفكر للطباعة و النشر و التوزيع بيروت – لبنان	1415 هـ – 1995 م
31	التحرير والتنوير	محمد الطاهر بن محمد بن محمد الطاهر بن عاشور التونسي (المتوفى : 1393هـ)	الدار التونسية للنشر – تونس	1984 هـ
32	مقدّمة ابن خلدون	أبو زيد عبد الرحمن بن محمد بن خلدون الحضرمي (1406هـ)	مؤسسة الرسالة ناشرون ، بيروت	1433هـ
33	أصول اعتقاد أهل السنة والجماعة	محمد حسن عبد الغفار	دروس صوتية قام بتفريغها موقع الشبكة الإسلامية	–

And here we have reached the end of this work, and All Praise is to Allah.

May the blessings of Allah and peace be upon Muhammad, the Last Messenger.
And upon his pure family, and his companions.

And All Praise is to Allah, the Lord of the Worlds.